

ZONING ORDINANCE

NORTH BEND, NEBRASKA

ORDINANCE No. 494

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Prepared By



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ARTICLE 1: TITLE AND PURPOSE

Section 1.01 Title

This Ordinance shall be known and may be cited and referred to as the Zoning Ordinance of the City of North Bend, Nebraska, herein referred to as “this ordinance”, and shall repeal and replace the existing ordinance for the City of North Bend and all amendments thereto.

Section 1.02 Purpose and Intent

This ordinance has been made in accordance with a comprehensive plan and to promote the health, safety, and general welfare of the community; to implement the goals, policies, and proposals of the Comprehensive Plan for the zoning jurisdiction; to lessen congestion in streets; to secure safety from fire and other dangers; to provide adequate light and air; to encourage the most productive use of urban land resources through promotion of compatible land use patterns; to promote the distribution of population, land classifications and land development to support provisions for adequate transportation, water flows, water supply, drainage, sanitation, recreation, and other public requirements; to regulate and restrict the location and use of buildings and uses of land within each district for residential, commercial, industrial and other purposes; to regulate and restrict height, number of stories and size of buildings; to regulate and restrict the percentage of the lot that may be occupied by buildings and other structures; to regulate the size of yards and open spaces; to guard against loss of life and damage to property due to flooding through protection of natural drainage features; to preserve features of historical significance; to promote the conservation of natural resources; to protect property values; to protect property against blight and depreciation; and to secure economy in governmental expenditures.

Section 1.03 Interpretation

In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of public health, safety, morals, and general welfare.

Section 1.04 Relationship to City Code

The use of buildings and land within the City of North Bend shall be subject to all applicable provisions of the City Code and other ordinances, as well as this Ordinance, whether or not those other provisions of the City Code are specifically cross-referenced in this Ordinance. Cross-references to other provisions of the City Code found in this Ordinance are provided for the convenience of the reader; lack of a cross-reference should not be construed as an indication that other provisions of the City Code do not apply.

Section 1.05 Relationship to Comprehensive Plan

It is the intention of this Ordinance to implement the goals, principles, and objectives reflected in the Comprehensive Plan as adopted by the City. While the City reaffirms its commitment that the provisions of this Ordinance and any amendment made to this Ordinance shall conform to adopted planning policies, the City acknowledges its intent that neither this Ordinance nor any amendment of this Ordinance may be challenged merely on the basis of an alleged nonconformity with the Comprehensive Plan.

Section 1.06 Applicability of Prior Regulations

- 1.06.01 All violations of prior zoning or other regulations of the City, existing on the effective date of this Ordinance, shall continue to be violations and shall not be considered to be legal non-conforming situations under this Ordinance. The City shall have the same authority to secure civil remedies for violations of those regulations to the same extent that it may secure civil remedies for violations of this Ordinance.
2. All permits, applications, certificates, and other authorizations submitted or approved prior to the effective date of this Code shall be governed by the regulations in effect at the time of submission or approval.

ARTICLE 2: DEFINITIONS

Section 2.01 Rules

For the purpose of this ordinance the following rules shall apply:

1. Words and numbers used singularly shall include the plural. Words and numbers used in the plural shall include the singular. Words used in the present tense shall include the future.
2. The word "persons" includes a corporation, members of a partnership or other business organization, a committee, board, council, commission, trustee, receiver, agent or other representative.
3. The word "shall" is mandatory and not discretionary; the word "may" is permissive and not compulsory.
4. The word "and" indicates all connected items, conditions, provisions, or events shall apply; the word "or" indicates that one or more of the connected items, conditions, provisions, or events shall apply.
5. Words importing the masculine gender shall include the feminine and neutral genders.
6. The words "use", "used", "occupy" or "occupied" as applied to any land or building shall be construed to include the words "intended", "arranged" or "designed" to be used or occupied.
7. The word "commission" shall refer to the Planning Commission of North Bend, Nebraska.
8. Undefined words or terms not herein defined shall have their ordinary meaning in relation to the context.
9. The particular controls the general.
10. All references to City personnel or staff shall include the person identified or their appropriate designee.
11. All words, terms, and phrases not otherwise defined herein shall be given their usual and customary meaning as defined in a standard English dictionary or other applicable City, State, or federal regulation, unless the context clearly indicates another meaning was intended.
12. Computation of Time: Unless otherwise specifically provided, the time within which an act is to be completed shall be computed by excluding the first day and including the last day, unless it is Sunday or a City holiday. All acts shall be completed within the time frame specified subject to extension periods provided herein.

Section 2.02 Abbreviation and Acronyms

For purposes of this Ordinance the following shall be standard abbreviations and acronyms found through the regulation.

2.02.01	ADA =	Americans with Disabilities Act
2.02.02	AU =	Animal Unit
2.02.03	CAFO =	Confined Animal Feeding Operation
2.02.04	DU =	Dwelling Unit
2.02.05	FAA =	Federal Aviation Administration
2.02.06	FCC =	Federal Communication Commission
2.02.04	FEMA =	Federal Emergency Management Agency
2.02.07	FT =	Foot or Feet
2.02.08	GFA =	Gross Floor Area
2.02.09	GIS =	Geographic Information System
2.02.10	HUD =	US Department of Housing and Urban Development
2.02.11	kV =	Kilovolt
2.02.12	kW =	Kilowatt
2.02.13	LFO =	Livestock Feeding Operation
2.02.14	NDA =	Nebraska Department of Aeronautics or successor department
2.02.15	NDEQ =	Nebraska Department of Environmental Quality or successor department
2.02.16	NPDES =	National Pollutant Discharge Elimination System
2.02.17	NRD =	Lower Platte North Natural Resources District
2.02.18	NSFM =	Nebraska State Fire Marshall or successor department
2.02.19	NHHS =	Nebraska Department of Health and Human Services or successor department
2.02.20	NDOR =	Nebraska Department of Roads or successor department
2.02.21	R.O.W. =	Right-of-Way or Rights-of-Way
2.02.22	SF =	Square Feet

2.02.23	SY =	Square Yard
2.02.24	USACE =	United States Army Corps of Engineers
2.02.25	USDA =	United States Department of Agriculture
2.02.26	YD =	Yard

Section 2.03 Definitions

For the purpose of this Ordinance, certain words and terms are hereby defined as follows:

1. **ABANDONMENT** shall mean to cease or discontinue a use or activity without intent to resume as distinguished from short term interruptions such as during periods of remodeling, maintenance, or normal periods of vacation or seasonal closure.
2. **ABUT, ABUTTING** shall mean to border on, being contiguous with or have property or district lines in common, including property separated by an alley
3. **ACCESS OR ACCESS WAY** shall mean 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 ordinance.
4. **ACCESSORY BUILDING** (see Building, accessory)
5. **ACCESSORY LIVING QUARTERS** shall mean living quarters located within an accessory building located on the same premises with the main building, for use by temporary guests of the occupant of the premises, such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling unit.
6. **ACCESSORY STRUCTURE** shall mean a detached subordinate structure located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure.
7. **ACCESSORY USE** shall mean a use incidental, related, appropriate and clearly subordinate to the main use of the lot or building, which accessory use does not alter the principal use of the subject lot or affect other properties in the district.
8. **ACRE** shall mean a full acre containing 43,560 square feet of area within the property lines of a lot or parcel.
9. **ACREAGE** shall mean any tract or parcel of land which does not qualify as a farm or development.
10. **ADJACENT** shall mean near, close, or abutting; for example, an Industrial District across the street or highway from a Residential District shall be considered as "Adjacent".
11. **ADULT BOOKSTORE, ADULT NOVELTY STORE, or ADULT VIDEO STORE** shall mean a commercial establishment which, as one of its principal purposes, offers for sale or rental for any form of consideration any books, magazines, periodicals, other printed matter, photographs, films, motion pictures, video cassettes, video reproductions, slides, or other visual representations which are characterized by the depiction of specified sexual activities, or specified anatomical areas, or instruments, devices, or paraphernalia which are designed for use in conjunction with specified sexual activities.



Example of an Accessory Use

12. **ADULT CABARET** shall mean a nightclub, bar, restaurant, or similar commercial establishment which regularly features:
 1. Persons who appear in a state of nudity or semi-nudity; or
 2. Live performances which are characterized by the exposure of specified anatomical areas or specified sexual activities; or
 3. Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
13. **ADULT COMPANIONSHIP ESTABLISHMENT** shall mean an establishment which provides the service of engaging in or listening to conversation, talk or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."
14. **ADULT DAY CARE CENTER** shall mean a facility that provides care and an array of social, medical, or other support services for a period of less than 24 consecutive hours to four or more persons who require or request such services due to age or functional impairment.
15. **ADULT ENTERTAINMENT ESTABLISHMENT** shall mean any business which offers its patrons services, products or entertainment characterized by an emphasis on matter depicting, exposing, describing, discussing or relating to "specified sexual activities" or "specified anatomical areas," including, but without limitation, adult bookstores, adult motion picture theaters, adult saunas, adult companionship establishments, adult health clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotel or motel, adult internet industries, adult massage parlor/health club, and adult body painting studios.
16. **ADULT HOTEL OR MOTEL** shall mean a hotel or motel from which minors are specifically excluded from patronage and wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."
17. **ADULT INTERNET INDUSTRIES** shall mean any business within an enclosed building or outdoors that is producing materials for distribution on the Internet of an adult nature, including live video streaming, tape delayed video broadcasts, live simulcasting, still photographs, audio broadcasts, animated video or hard copy. Said uses are intended for viewing by other parties while on-line and for a specified charge.
18. **ADULT MASSAGE PARLOR, HEALTH CLUB** shall mean a massage parlor or health club which restricts minors by reason of age, and which provides the services of massage, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."
19. **ADULT MINI-MOTION PICTURE THEATER** shall mean a business premises within an enclosed building with a capacity for less than 50 persons used for presenting visual-media material if such business as a prevailing practice excludes minors by virtue of age, or if said material is distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.
20. **ADULT MOTION PICTURE ARCADE** shall mean any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motor picture machines, projectors or other image-producing devices are 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 an emphasis on depicting or describing "specified sexual activities" or "specified anatomical areas."
21. **ADULT MOTION PICTURE THEATERS** shall mean a business premises within an enclosed building with a capacity of 50 or more persons used for presenting visual media material if said business as a prevailing practice excludes minors by virtue of age, or if said material is distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.
22. **ADULT NOVELTY BUSINESS** shall mean a business which has as a principal activity the sale of devices which simulate human genitals or devices, which are designed for sexual stimulation.

23. **ADULT SAUNA** shall mean a sauna which excludes minors by reason of age, or which provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent, if the service provided by the sauna is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."
24. **ADVERTISING STRUCTURE** shall mean any notice or advertisement, pictorial or otherwise, and all such structures used as an outdoor display, regardless of size and shape, for the purposes of making anything known, the origin or place of sale of which is not on the property with such Advertising Structure. Also see Outdoor Advertising.
25. **AESTHETIC ZONING** shall mean the regulation of a building or site to accomplish a standard of exterior architectural appeal and/or neighborhood harmony.
26. **AGRICULTURAL AND FARM BUILDINGS AND STRUCTURES** shall mean any building or structure which is necessary or incidental to the normal conduct of an agricultural operation including but not limited to residence of the operator, residence of employees, barns, buildings and sheds for housing livestock, poultry and farm machinery, buildings for the storage or shelter of grain, hay and other crops, silos, windmills and water storage tanks.
27. **AGRICULTURE** shall mean the use of land for agriculture as the primary purpose of obtaining a profit by raising, harvesting, and selling crops or by the feeding, breeding, management, and sale of, or the produce of, livestock, poultry, fur-bearing animals, or honeybees, or for dairying and the sale of dairy products, or any other agricultural, aquacultural, floricultural, viticultural, or horticultural use. Agriculture shall not mean the keeping of wild animals including species defined as zoo animals. Agricultural use shall not be construed to include any parcel of land of less than twenty acres or any non-agricultural commercial or industrial development.
28. **AIRPORT** shall mean any area which is used or is intended to be used for the taking off and landing of aircraft, including helicopters, and any appurtenant areas which are used or are intended to be used for airport buildings or facilities, including open spaces, taxiways, and tie-down areas.
29. **AIRPORT HAZARD ZONE** the area of land surrounding an airport in which structures and land uses have the potential to obstruct the airspace required for the flight of an aircraft in landing or taking off at the airport or may be otherwise hazardous to such landing or taking off. This area consists of the required approach zone, turning zone, and transition zones. The outer boundary of this area is composed of a series of connected tangents and simple curves that also constitute the outer boundaries of the approach and turning zones.
30. **ALLEY** shall mean a minor public service street or public right-of-way measuring 20 feet or less in width, through a block of lots primarily for vehicular service access to the rear or side of properties otherwise abutting on another street. Buildings facing an alley shall not be construed as satisfying the requirements of this ordinance related to frontage on a dedicated street.
31. **ALTERATION** shall mean any change, addition or modification in construction or occupancy of an existing structure.
32. **ALTERATION, STRUCTURAL** (see Structural alteration)
33. **AMATEUR RADIO** shall mean a radio equipment and associated antennas or support structures for the purpose of receiving or transmitting communications by a radio station as described in Section 153(g) of Title 47 of the CFR and which is operated under license by the FCC.
34. **AMENDMENT** shall mean a change in the wording, context, or substance of this ordinance, an addition or deletion or a change in the district boundaries or classifications upon the zoning map.
35. **AMERICAN WITH DISABILITY ACT (ADA)** is a 1990 federal law designed to provide disabled Americans equal access to jobs, transportation, public facilities, and services.
36. **AMUSEMENT ARCADE** shall mean a building or a part of a building where five or more pinball machines, video games, or other similar player-orientated amusement devices are available and are maintained for use.
37. **AMUSEMENT PARK** shall mean a facility, primarily outdoors, that may include structures and buildings, where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, buildings for shows and entertainment, and restaurants and souvenir sales.

38. **ANIMAL HOSPITAL** shall mean a place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such hospital use.
39. **ANIMAL UNIT** shall mean unit of measurement to compare various domestic animal types based upon equivalent waste generation. One animal unit equals the following:
- One A.U.= One Cow/Calf combination
 One A.U.= One Slaughter, Feeder Cattle;
 One A.U.= One Horse;
 One A.U.= Seven Tenths Mature Dairy Cattle;
 One A.U.= Two and One Half Swine (55 pounds or more);
 One A.U.= Twenty Five Weaned Pigs (less than 55 pounds);
 One A.U.= Two Sows with Litters;
 One A.U.= 10 Sheep;
 One A.U.= 100 Chickens;
 One A.U.= 50 Turkeys;
 One A.U.= Five Ducks.
40. **ANIMALS, DOMESTIC** (see Household pet)
41. **ANIMAL SPECIALTY SERVICES** shall refer to establishments primarily engaged in pet grooming, clipping, bathing, daycare, training courses, obedience classes, and similar services; and does not include veterinary services or overnight boarding kennels.
42. **ANTENNA** shall mean any attached or external system of wires, poles, rods, reflecting disks or similar devices used for the transmission or reception of electromagnetic waves. (Also, see Satellite Dish Antenna and Tower.)
43. **ANTIQUÉ STORE** shall mean a place offering primarily antiques for sale. An antique for the purpose of this ordinance shall be a work of art, piece of furniture, decorative object, or the like, belonging to the past, at least 30 years old.
44. **APARTMENT** shall mean 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 a single family or group of individuals living together as a single housekeeping unit. (Also, see Dwelling Unit.)
45. **APARTMENT HOUSE** (see Dwelling, multi-family)
46. **APPAREL SHOP** shall mean retail stores where clothing is sold, such as department stores, shoe stores, and dress, hosiery, and millinery shops.
47. **APPLIANCE STORE** shall refer to retail shops selling equipment used for domestic functions. A store may include heavy appliances such as refrigerators, washers, dryers, ovens, dishwashers, or other similar domestic equipment. The store may also include smaller appliances such as televisions, computers, radios, microwaves, and other similar domestic equipment.
48. **APPEARANCE** shall mean the outward aspect visible to the public.
49. **APPROPRIATE** shall mean sympathetic, or fitting, to the context of the site and the whole community.
50. **APPURTENANCES** shall mean the visible, functional objects accessory to and part of buildings.
51. **ARCHITECTURAL CANOPY SIGN** (see Sign, architectural canopy)
52. **ARCHITECTURAL CHARACTER** see Architectural Concept
53. **ARCHITECTURAL CONCEPT** shall mean the basic aesthetic idea of a building, or group of buildings or structures, including the site and landscape development that produces the architectural character.
54. **ARCHITECTURAL FEATURE** shall mean a prominent or significant part or element of a building, structure, or site. Architectural features may include special lines, massing, and/or texture.

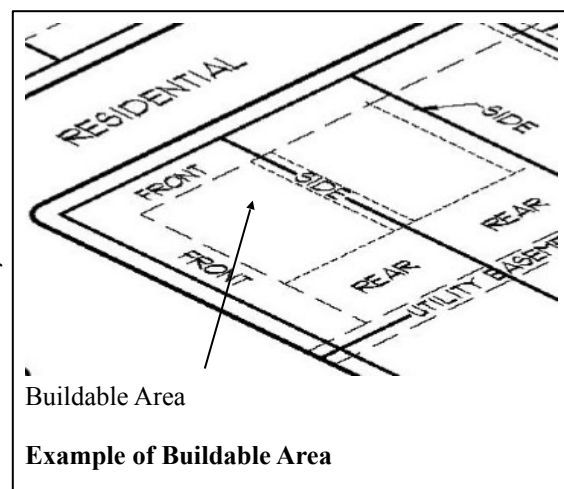
1. **LINES** shall mean visual elements of the building, either within the façade or on the building edge, which are in a linear form either horizontally or vertically and may be composed of masonry, glass, or other related materials.
 2. **MASS** shall pertain to the volume, bulk of a building or structure.
 3. **TEXTURE** shall mean the quality of a surface, ranging from mirror finish, smooth, to coarse and unfinished.
55. **ARCHITECTURAL STYLE** shall mean the characteristic form and detail, as of buildings of a particular historic period.
 56. **AREA** shall mean a piece of land capable of being described with such detail that its location may be established and boundaries definitely ascertained.
 57. **ART GALLERY** shall mean an establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art. This clarification does not include libraries, museums, or non-commercial art galleries.
 58. **ARTISAN PRODUCTION SHOP** shall mean a building or portion thereof used for the creation of original handmade works of art or craft items by more than three but less than six artists or artisans, as either a principal or accessory use.
 59. **ARTIST STUDIO** shall mean a place designed to be used, or used as, both a dwelling place and a place of work by an artist, artisan, or craftsman, including persons engaged in the application, teaching, or performance of fine arts such as, but not limited to, drawing, vocal or instrumental music, painting, sculpture, and writing.
 60. **ASSISTED LIVING FACILITY** shall mean any place or facility caring for six or more individuals not related within the third degree of relationship to the administrator, operator or owner by blood or marriage and who, by choice or due to functional impairments, may need personal care and may need supervised nursing care to compensate for activities of daily living limitations and in which the place or facility includes apartments for residents and provides or coordinates a range of services including personal care or supervised nursing care available 24 hours a day, seven days a week for the support of resident independence. The provision of skilled nursing procedures to a resident in an assisted living facility is not prohibited by this act. Generally, the skilled services provided in an assisted living facility shall be provided on an intermittent or limited term basis, or if limited in scope, a regular basis.
 61. **ATTACHED PERMANENTLY** shall mean attached to real estate in such a way as to require dismantling, cutting away, unbolting from permanent foundation or structural change in such structure in order to relocate it to another site.
 62. **ATTRACTIVE** shall mean having qualities that arouse interest and pleasure in the observer.
 63. **AUCTION SALES** shall mean a building or structure or lands used for the storage of goods, materials or livestock which are to be sold on the premises by public auction and for the sale of the said goods, materials or livestock by public auction and on an occasional basis. Auction sales also includes motor vehicle wholesale sales, including trucks, vans, recreational vehicles, boats or motorcycles or other similar motorized transportation vehicles.
 64. **AUTOMATED TELLER MACHINE (ATM)** shall mean an automated device that performs banking or financial functions at a location remote from the controlling financial institution.
 65. **AUTOMOBILE SALES** shall mean the storage and display for sale or lease of more than two motor vehicles or any type of trailer (provided the trailer is unoccupied) at any one time and/or a total of ten or more sold or leased during the course of a calendar year, and where repair or body work is incidental to the operation of the new or used vehicle sales or leasing. Automobile sales includes all motor vehicle retail sales and leases including trucks, vans, recreational vehicles, boats or motorcycles or other similar motorized transportation vehicles. (Also, see Auction Sales)



An Example of a stand-alone ATM

66. **AUTOMOTIVE REPAIR SERVICES** shall refer to any building, structure, improvements, or land used for the repair and maintenance of automobiles, motorcycles, trucks, trailers, or similar vehicles including but not limited to body, fender, muffler, or upholstery work; oil change and lubrication; major painting services; collision services; and tire service and sales.
67. **AUTOMOBILE SERVICES** shall refer to any building, structure, improvements or land used for the general maintenance of automobiles, motorcycles, trucks, trailers or similar vehicles including but not limited to washing, cleaning, and/or detailing; installation of car stereos, accessories, or other light equipment; and minor painting.
68. **AUTOMOBILE WRECKING YARD** shall mean any lot, or the use of any portion of a lot, for the dismantling or wrecking of automobiles, tractors, farm machinery, or other motor vehicles, or for the storage or keeping for sale of parts and equipment resulting from such dismantling or wrecking.
69. **BAKERY SHOP** shall mean an establishment primarily engaged in the retail sale of baked products. The products may be prepared either on or off site. A bakery shall be considered a general retail use.
70. **BANK** shall mean a freestanding building, with or without a drive-up window, for the custody, loan, or exchange of money; for the extension of credit; and for facilitating the transmission of funds.
71. **BAR** shall mean any establishment whose principal business is serving alcoholic beverages at retail for consumption on the premises. (Also, see Nightclub.)
72. **BASEMENT** shall mean a building space partly underground, and having at least one-half of its height, measuring from its floor to its ceiling, above the average adjoining finished ground grade line.
73. **BEACON** shall mean any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.
74. **BEAUTY SHOP** shall mean any establishment where cosmetology services are provided including hair care, nail care, and skin care on a regular basis for compensation.
75. **BED and BREAKFAST** shall mean a house, or portion thereof, where short-term lodging rooms and meals are provided. The operator of the inn shall live on the premises.
76. **BEDROOM** shall mean a room within a dwelling unit planned and intended for sleeping, separable from other rooms by a door.
77. **BERM** shall mean a raised form of earth to provide screening or to improve the aesthetic character.
78. **BEST INTERESTS OF COMMUNITY** shall mean interests of the community at large and not interest of the immediate neighborhood.
79. **BIG BOX RETAIL** shall mean a singular retail or wholesale user. These uses typically include: membership wholesale clubs emphasizing large bulk sales, discount stores, pharmacies, grocery stores, especially warehouse style point sale concepts and department stores.
1. **LARGE BIG BOX RETAIL** shall mean a big box retail establishment that occupies no less than 200,000 square feet of gross floor area.
 2. **MEDIUM BIG BOX RETAIL** shall mean a big box retail establishment that occupies no less than 120,000 square feet of gross floor area.
 3. **SMALL BIG BOX RETAIL** shall mean a big box retail establishment that occupies no less than 40,000 square feet of gross floor area.
80. **BILLBOARD** see Sign, Billboard.
81. **BLOCK** shall mean a parcel of land platted into lots and bounded by public streets or by waterways, rights-of-way, unplatted land, City-County boundaries, or adjoining property lines.
82. **BLOCK FRONTAGE** shall mean that section of a block fronting on a street between two intersecting streets or another block boundary.
83. **BOARD OF ADJUSTMENT** shall mean that 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.

84. **BOARDING OR ROOMING HOUSE** shall mean a building containing a single dwelling unit and provisions for not more than five guests, where lodging is provided with or without meals for compensation.
85. **BOOK STORE** shall mean a retail establishment that, as its primary business, engages in the sale, rental, or other charge-for-use of books, magazines, newspapers, greeting cards, postcards, videotapes, computer software, or any other printed or electronically conveyed information or media, excluding any uses defined as “adult entertainment establishments”.
86. **BORROW PIT** shall mean any place or premises where dirt, soil, sand, gravel or other material is removed below the grade of surrounding land for any purpose other than that necessary and incidental to site grading or building construction.
87. **BOWLING CENTER** shall mean an establishment that devotes more than 50 percent of its gross floor area to bowling lanes, equipment, and playing area. Accessory uses such as the retail sale of snacks, the retail sale of beverages, and video game arcade are customary.
88. **BREW-ON PREMISES STORE** shall mean a facility that provides the ingredients and equipment for a customer to use to brew malt liquor at the store. Brew-on-premises stores do not include the sale of intoxicating liquor, unless the owner of the brew-on-premises store holds the appropriate liquor license.
89. **BREW PUB** shall mean a restaurant or hotel which includes the brewing of beer as an accessory use. The brewing operation processes water, malt, hops, and yeast into beer or ale by mashing, cooking, and fermenting. By definition, these establishments produce no more than 10,000 barrels of beer or ale annually. The area, by definition, used for brewing, including bottling and kegging, shall not exceed 25 percent of the total floor area of the commercial space.
90. **BREWERY** shall mean an industrial use that brews ales, beers, meads and/or similar beverages on site. Breweries are classified as a use that manufactures more than 10,000 barrels of beverage (all beverages combined) annually.
91. **BREWERY, CRAFT** shall mean a brew pub or a microbrewery.
92. **BREWERY, MICRO** shall mean a facility for the production and packaging of malt beverages of low alcoholic content for distribution, retail or wholesale, on or off premises, with a capacity of not more than 10,000 barrels per year. The development may include other uses such as a standard restaurant, bar, or live entertainment as otherwise permitted in the zoning district.
93. **BROADCASTING TOWER** shall mean a structure for the transmission or broadcast of radio, television, radar, or a microwave which exceeds the maximum height permitted in the district in which it is located; provided, however, that noncommercial radio towers not exceeding 50 feet in height shall not be considered broadcast towers.
94. **BUFFER** shall mean a 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. (Also, see Screening.)
95. **BUFFER ZONE** shall mean 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.
96. **BUILDABLE AREA** shall mean that part of a zoning lot not included within the required yards or subject to other restrictions herein required.
97. **BUILDING** shall mean any structure built and maintained for the support, shelter or enclosure of persons, animals, chattels, or property of any kind, but shall not include temporary buildings as defined in Temporary Structure. Trailers, with or without wheels, shall not be considered as buildings.
98. **BUILDING, ACCESSORY** shall mean any detached subordinate building which serves a function customarily incidental to that of the main building or main use of the premises. Customary accessory



108. **CAR WASH, INDUSTRIAL** shall mean a mechanical facility for the washing, waxing and vacuuming of heavy trucks and buses.
109. **CARPORT** shall mean a permanent roofed structure with not more than two enclosed sides used or intended to be used for automobile shelter and storage.
110. **CELLAR** shall mean a building space having more than one-half of its height below the average adjoining grade lines.
111. **CEMETERY** shall mean land used or intended to be used for the burial of the dead and dedicated for such purposes, including columbarium, crematoriums, and mausoleums.
112. **CHANNEL** shall mean the geographical area within either the natural or artificial banks of a watercourse or drainageway.
113. **CHARITABLE ORGANIZATION or CLUB** shall mean a public or semi-public institutional use of a philanthropic, charitable, benevolent, religious, or eleemosynary character, but not including sheltering or caring of animals.
115. **CHILD CARE CENTER** shall mean a facility licensed to provide childcare for 13 or more children. In addition to these regulations, Child Care Centers shall meet all requirements of the State of Nebraska.
116. **CHILD CARE HOME**: see “Family Child Care Home I and II”.
117. **CHURCH** shall mean a permanently located building commonly used for religious worship fully enclosed with walls (including windows and doors) and having a roof and conforming to applicable legal requirements.
118. **CHURCH, STOREFRONT** shall mean a religious facility contained within a store or similar structure not typically used for religious activities that are now used as a meeting place for a congregation. Structures adapted for congregations including barns, stores, warehouses, old public buildings, and single-family dwellings.
119. **CITY** shall mean the City of North Bend.
120. **CLEAR VIEW ZONE** shall mean the area of a corner lot closest to the intersection that is kept free of visual impairment to allow full view of both pedestrian and vehicular traffic. (Also see Site Triangle.)
121. **CLUB** shall mean an association of people (whether or not incorporated), religious or otherwise, for a common purpose, but not including groups which are organized primarily to render a service carried on as a business for profit.
122. **CLUSTER DEVELOPMENT** shall mean 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.
123. **CODE** shall mean the Municipal Code of the City of North Bend.
124. **COFFEE KIOSK** shall mean a retail food business in a freestanding building that sells coffee, or other beverages, and remade bakery goods from a drive-through window or walk-up window to customers for consumption off the premises and that provides no indoor or outdoor seating.
125. **COHESIVENESS** shall mean the unity of composition between design elements of a building and/or a group of buildings and the landscape development.
126. **COLLEGE or UNIVERSITY** shall mean facilities which conduct regular academic instruction at collegiate levels, including graduate schools, universities, junior colleges, trade schools, nonprofit research institutions and religious institutions. Such institutions shall confer degrees as a college or university for undergraduate or graduate standing, conduct research, or give religious instruction. Private schools, academies, or institutes incorporated or otherwise, which operate for profit, commercial, or private trade schools are not included in this definition.
127. **COMMISSION** shall mean the North Bend Planning Commission.

128. **COMMON AREA OR PROPERTY** shall mean a parcel or parcels of land, together with the 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.
129. **COMMUNICATION SERVICES** shall mean establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms. Excluded are facilities classified as major utility services or wireless communication towers. Typical uses include television studios, communication service centers, internet service offices, or film and sound recording facilities.
130. **COMMUNITY CENTER** shall mean 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.
131. **COMPATIBILITY** shall mean harmony in the appearance of two or more external design features in the same vicinity.
132. **COMPATIBLE USES** shall mean a land use which is congruous with, tolerant of, and has no adverse effects on existing neighboring uses. Incompatibility may be affected by pedestrian or vehicular traffic generation, volume of goods handled and environmental elements such as noise, dust, odor, air pollution, glare, lighting, debris generated, contamination of surface or ground water, aesthetics, vibration, electrical interference, and radiation.
133. **COMPREHENSIVE PLAN** shall mean the Comprehensive Plan of North Bend, Nebraska as adopted by the City Council, setting forth policies for the present and foreseeable future community welfare as a whole and meeting the purposes and requirements set forth in Section 23-174.05, R.R.S. 1943, as the same may, from time-to-time, be amended.
134. **CONDITIONAL USE** shall mean 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.
135. **CONDITIONAL USE PERMIT** shall mean a permit issued by the Planning Commission and City Council that authorizes the recipient to make conditional use of property in accordance with the provisions of this ordinance and any additional conditions placed upon or required by said permit.
136. **CONDOMINIUM** shall be as defined in the Nebraska State Statutes Section 76-824 - 76-894, 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.
137. **CONFLICTING LAND USE** shall mean the use of property which transfers over neighboring property lines negative economic, or environmental effects, including, but not limited to, 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.
138. **CONGREGATE HOUSING** shall mean a residential facility for four or more persons 55 years or over, their spouses, or surviving spouses, providing living and sleeping facilities including meal preparation, dining areas, laundry services, room cleaning and common recreational, social, and service facilities for the exclusive use of all residents including resident staff personnel who occupy a room or unit in the residential facility.
139. **CONSERVATION** shall mean the protection and care that prevent destruction or deterioration of historical or otherwise significant structures, buildings or natural resources.
140. **CONSERVATION AREA** shall mean 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 limited to: wetlands, floodways, flood plains, drainage ways, river or stream banks, and areas of significant biological productivity or uniqueness.
141. **CONSERVATION EASEMENT** shall mean 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.

142. **CONSTRUCTION** shall mean 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.

143. **CONTIGUOUS** shall mean the same as "Abut".

144. **CONVENIENCE STORE** shall mean a one-story, retail store containing less than 10,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to "Food Sales Limited and Food Sales General.") It is dependent on and is designed to attract and accommodate large volumes of stop-and-go traffic. (Also, see self-service Station.)



Convenience Store

145. **COPY CENTER** shall mean a retail establishment that provides duplicating services using photocopying, blueprint, and offset printing equipment, and may include the collating and binding of booklets and reports.

146. **COUNTRY CLUB** shall mean buildings and facilities owned and operated by a corporation or association of people for social and recreational purposes, but not operated for profit. The affairs and management of such a club are conducted by a board of directors, executive committee, or similar body chosen by the members. It is designed to serve food and alcoholic beverages on such premises to members and their guests, provided that the serving of food and alcoholic beverages is secondary to some other principal purpose of the association or corporation. Customary country clubs include, but are not limited to: swimming, tennis, and golf course country clubs.

147. **COUNTY** shall mean Dodge County, Nebraska.

148. **COUNTY BOARD** shall mean the County Board of Supervisors of Dodge County, Nebraska.

149. **COURT** shall mean an open, unoccupied space, other than a yard, on the same lot with a building or buildings and abounded on two or more sides by such buildings.

150. **COURT, INNER** shall mean a court enclosed on all sides by the exterior walls of a building or buildings.

151. **COURT, OUTER** shall mean a court enclosed on all but one side by exterior walls of buildings or buildings or lot lines on which fences, hedges, or walls are permitted.

152. **COVERAGE** is the percentage of the lot covered by buildings and structures.

153. **CUL-DE-SAC** shall mean a short public way that has only one outlet for vehicular traffic and terminates in a vehicular turn-around.

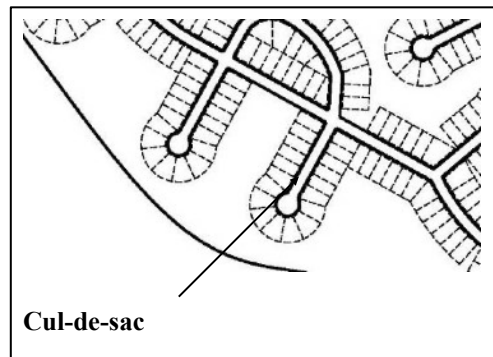
154. **CURB LEVEL** shall mean the mean level of the curb in front of the lot, or in case of a corner lot, along that abutting street where the mean curb level is the highest.

155. **CURVED LOT** see "Lot, Curved".

156. **DENSITY** shall mean the number of dwelling units per gross acre of land.

157. **DEPARTMENT STORE** see "Big Box Retail".

158. **DETENTION BASIN** shall mean a facility for the temporary storage of stormwater runoff.



Cul-de-sac

159. **DEVELOPER** shall mean any person, corporation, partnership, or entity that is responsible for any undertaking that requires a building or zoning permit, conditional use permit or sign permit.

160. **DEVELOPMENT** shall mean any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations for which necessary permits may be required. Also, shall mean any material change in the use or appearance of any structure or in the land itself; the division of land into parcels; any change in the intensity or use of land, such as an increase in the number of dwelling units in a structure or a change to a commercial or industrial use from a less intensive use; any activity that alters a river, stream, lake, pond, woodland, wetland, endangered species habitat, aquifer or other resource area.
161. **DEVELOPMENT CONCEPT PLAN** shall mean a plan, to scale, showing uses and structures proposed for a parcel of land as required by the regulations. Includes lot lines, streets, building sites, reserved open space, building, major landscape features (both natural and man-made), and depending on requirements, the locations of proposed utility lines.
162. **DEVELOPMENT REVIEW** shall mean the review, by the City of subdivision plats, site plans, rezoning requests, or permit review.
163. **DISABILITY or HANDICAP** shall mean the following but shall not include current, illegal use of or addiction to a controlled substance:
1. A physical or mental impairment that substantially limits one or more of such person's major life activities so that such person is incapable of living independently;
 2. A record of having such an impairment; or
 3. Being regarded as having such an impairment.
164. **DISTRICT OR ZONE** is a section(s) of the zoning area for which this ordinance governing the use of the land, the height of buildings, the size of yards and the intensity of use are uniform.
165. **DOG KENNEL** (See Kennel, commercial; and Kennel, private.)
166. **DOMESTIC ANIMALS** shall mean the same as household pet and shall not include any type of exotic animal listed in this ordinance.
167. **DOWNZONING** shall mean a change in zoning classification of land to a less intensive or more restrictive district such as from commercial district to residential district or from a multiple family residential district to single family residential district.
168. **DRAINAGE** shall mean the removal of surface water or groundwater from land by drains, grading, or other means that include runoff controls to minimize erosion and sedimentation during and after construction or development, the means for preserving the water supply, and the prevention or alleviation of flooding.
169. **DRAINAGEWAY** shall mean any depression two feet or more below the surrounding land serving to give direction to a current of water less than nine months of the year, having a bed and well-defined banks; provided, that in the event of doubt as to whether a depression is a watercourse or drainage way, it shall be presumed to be a watercourse.
170. **DRIVE-IN FACILITY** shall mean an establishment where customers can be served without leaving the confinement of their vehicle.
171. **DRIVEWAY** shall mean any vehicular access to an off-street parking or loading facility.
172. **DUMP** shall mean a place used for the disposal, abandonment, discarding by burial, incineration, or by any other means for any garbage, sewage, trash, refuse, rubble, waste material, offal or dead animals. Such use shall not involve any industrial or commercial process.
173. **DUPLEX** shall mean the same as "Dwelling, Two Family".
174. **DWELLING** Any building or portion thereof which is designed and used exclusively for residential purposes, excluding mobile homes. Such dwellings inside the Corporate Limits shall be masonry or stick built and vertical metal siding is not permitted. Greater than 50% of the ground floor (main level) shall be finished for human habitation.(Habitable Space).
175. **DWELLING, MANUFACTURED HOME** 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 standards promulgated by the United States Department of Housing and Urban Development.

176. **DWELLING, MOBILE HOME** Any prefabricated structure, composed of one or more parts, used for living and sleeping purposes, shipped or moved in essentially a complete 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 camp car, but the definition shall not apply to any vehicle lawfully operated upon fixed rails.
1. 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 with manufacturers recommendations.
 2. Permanent Foundation: Based 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 42 inches below the final ground level.
- 2.03.177 **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 Section 71-1555 through 71-1567 Revised Statutes of Nebraska 1943, in addition to any amendments thereto, those that do not meet the above criteria shall be considered a mobile home.
- 2.03.178 **DWELLING, MULTI-FAMILY** shall mean a building or buildings designed and used for occupancy by three or more families, all living independently of each other and having separate kitchen and toilet facilities for each family.
179. **DWELLING, SEASONAL** shall mean a dwelling designed and used as a temporary residence and occupied less than six months in each year.
180. **DWELLING, SINGLE FAMILY** a building having accommodations for or occupied exclusively by one family which meet all the following standards:
1. The home shall have no less than 900 square feet of habitable space, above grade, for single story construction;
 2. The home shall have no less than an 18-foot exterior width;
 3. The roof shall be pitched with a minimum vertical rise of two and one-half inches for each 12 inches of horizontal run;
 4. The exterior material shall be of a color, material and scale comparable with those existing in residential site-built, single family construction;
 5. The home shall have a non-reflective roof material that is or simulates asphalt or wood shingles, tile, or rock;
 6. The home shall be placed on a continuous permanent foundation and have wheels, axles, transporting lights, and removable towing apparatus removed, and
 7. The home shall meet and maintain the same standards that are uniformly applied to all single-family dwellings in the zoning district.
 8. 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 42 inches below the final ground level.
 9. Such Dwelling located inside the Corporate Limits shall be masonry or stick built and vertical siding is not permitted.
 10. Greater than 50% of the ground floor (main level) shall be finished for human habitation (Habitable Space in compliance with the International Residential Code).
 11. No pole barn/sheds shall be used as a single-family dwelling.
181. **DWELLING, SINGLE-FAMILY (ATTACHED)** shall mean 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.



182. **DWELLING, SINGLE-FAMILY (DETACHED)**

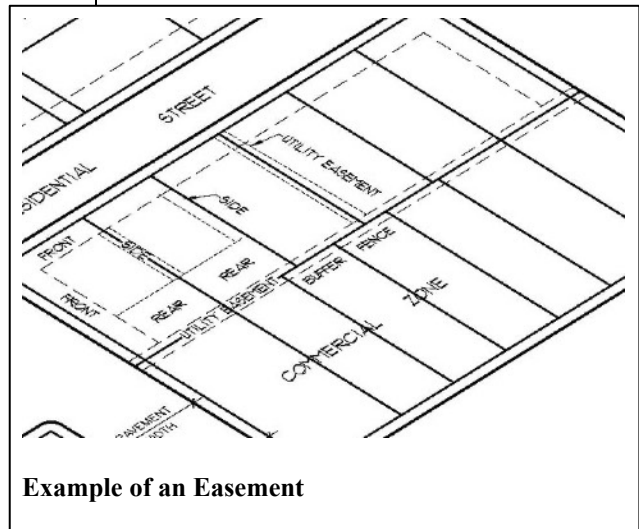
shall mean a dwelling which is entirely surrounded by open space on the same lot and is detached from another single-family dwelling.

183. **DWELLING, TWO FAMILY** shall mean a building designed or used exclusively for the occupancy of two families living independently of each other and having separate kitchen and toilet facilities for each family.

184. **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.

185. **EASEMENT** shall mean a space or a lot or parcel of land reserved for or used for public utilities or public or private uses.

186. **EDUCATIONAL FACILITY** shall mean a public or nonprofit institution or facility which conducts regular academic instruction at preschool, kindergarten, elementary, secondary, and collegiate levels, including graduate schools, universities, junior colleges, trade schools, nonprofit research institutions and religious institutions. Such institutions must either: (1) Offer general academic instruction equivalent to the standards established by the State Board of Education; or (2) Confer degrees as a college or university or undergraduate or graduate standing; or (3) Conduct research; or (4) Give religious instruction. Private schools, academies, or institutes incorporated or otherwise, which operate for profit, commercial, or private trade schools are not included in this definition.



187. **EFFECTIVE DATE** shall mean the date that this Ordinance shall have been adopted, a mended, or the date land areas became subject to the regulations contained in this Ordinance as a result of such adoption or amendment.

188. **ELEEMOSYNARY INSTITUTION** shall mean any building or group of buildings devoted to and supported by charity.

189. **ENCROACHMENT** shall mean an advancement or intrusion beyond the lines or limits as designated and established by the Regulation, and to infringe or trespass into or upon the possession or right of others without permission.

190. **ENLARGEMENT** shall mean the expansion of a building, structure, or use in volume, size, area, height, length, width, depth, capacity, ground coverage, or in number.

191. **ERECTED** shall mean constructed upon or moved onto a site.

192. **ESCORT** shall mean a person who, for 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.

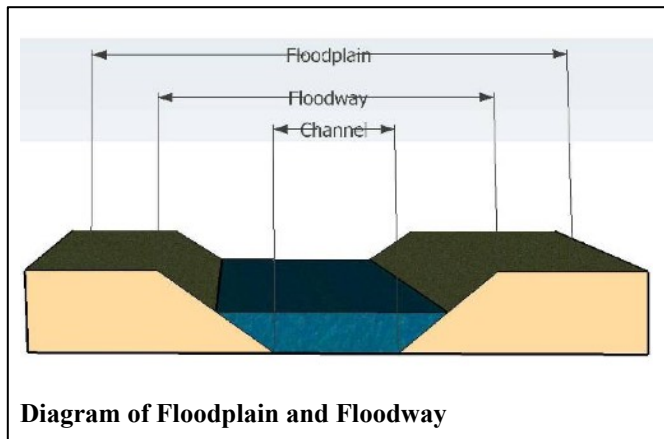
193. **ESCORT AGENCY** shall mean a person, or commercial establishment, who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

194. **EVENT CENTER** shall mean all buildings and associated parking facilities which are kept, used, maintained, advertised, held out, or otherwise made available to private groups and/or the general public for such purposes as meetings, civic, educational, political, religious or social purpose such as receptions, dances, entertainment, secondhand merchandise sales and the like, and may include a banquet hall, private club or fraternal organization, but not including uses identified in Adult Establishment.

195. **EXERCISE, FITNESS and TANNING SPA** shall mean an establishment that provides exercise facilities for the purposes of running, jogging, aerobics, weightlifting, court sports, and/or swimming, as well as locker rooms, showers, massage rooms, tanning beds, hot tubs, saunas or other related accessory uses; however, excluding any uses defined as “adult entertainment establishments”.
196. **EXPRESSWAY** shall mean a street or road that provides fast and efficient movement of large volumes of vehicular traffic between areas and does not provide direct access to property.
197. **EXTERIOR BUILDING COMPONENT** shall mean an essential and visible part of the exterior of a building.
198. **EXTERNAL DESIGN FEATURE** shall mean the general arrangement of any portion of a building, sign, landscaping, or structure and including the kind, color, and texture of the materials of such portion, and the types of roofs, windows, doors, lights, attached or ground signs, or other fixtures appurtenant to such portions as will be open to public view from any street, place, or way.
199. **EXTRATERRITORIAL JURISDICTION** shall mean the area beyond the corporate limits, in which the City has been granted the powers by the state to exercise zoning and building regulations and is exercising such powers. First Class Cities may have up to a two-mile extraterritorial jurisdiction and Second Class Cities may have up to one mile of extraterritorial jurisdiction.
200. **FACADE** shall mean the exterior wall of a building exposed to public view from the building's exterior.
201. **FACTORY** shall mean a structure or plant within which something is made or manufactured from raw or partly wrought materials into forms suitable for use.
202. **FAMILY** shall mean 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: (1) any number of people related by blood, marriage, adoption, guardianship, or duly-authorized custodial relationship; (2) two unrelated people; (3) two unrelated people and any children related to either of them; (4) group care home; or (5) group home for the handicapped. Family does not include any society, club, fraternity, sorority, association, lodge combine, federation, coterie, or like organization; any group of individuals whose association is temporary or seasonal in nature; or any group of individuals who are in a group living arrangement as a result of criminal offenses.
203. **FAMILY CHILD CARE HOME I** shall mean a childcare operation in the provider's place of residence which serves between four and eight children at any one time. A Family Child Care Home I provider may be approved to serve no more than two additional school-age children during non-school hours. In addition to these regulations, a Child Care Home shall meet the requirements of the State of Nebraska.
204. **FAMILY CHILD CARE HOME II** shall mean a childcare operation either in the provider's place of residence or a site other than the residence, serving twelve or fewer children at any one time. In addition to these regulations, a Child Care Home shall meet the requirements of the State of Nebraska.
205. **FARM** an area containing at least 20 acres or more which is used for growing of the usual farm products such as vegetables, fruit, and grain, and the storage on the area, as well as for the raising thereon of the usual farm poultry and farm animals. The term farming includes the operating of such area for one or more of the above uses with the necessary accessory uses for treating or storing the produce and the feeding of livestock as hereinafter prescribed provided such accessory uses do not include the feeding of garbage or offal to swine or other animals.
206. **FARM ANIMALS or LIVESTOCK** shall mean animals associated with agricultural operations, commonly kept or raised as a part of an agricultural operation including but not limited to horses, cattle, sheep, swine, goats, chickens and turkeys.
207. **FARM BUILDING or STRUCTURE** shall mean any building or structure which is necessary or incidental to the normal conduct of a farm including but not limited to residence of the operator, residence of hired men, barns, buildings and sheds for housing livestock, poultry and farm machinery, buildings for the storage or shelter of grain, hay and other crops, silos, windmills and water storage tanks.
208. **FARMER'S MARKET** shall mean the offering for sale of fresh agricultural products directly to the consumer at an open air market designated by the city council as a community activity.

209. **FARMSTEAD** shall mean a tract of land of not less than one acre and not more than 20 acres, upon which a farm dwelling and other farm building existed at the time of the adoption of this ordinance and was used for single-family resident purposes.
210. **FEEDLOT/FEED YARD/CONFINEMENT** shall mean a lot, yard, corral or other area in which livestock are confined, primarily for the purpose of feeding and growth prior to slaughter. The term does not include areas which are used for raising crops or other vegetation or upon which livestock are allowed to graze. All such operations shall be conducted in conformance with all applicable state and federal regulations.
211. **FENCE** shall mean an enclosure or barrier, such as wooden posts, wire, iron, etc., used as a boundary, means of protection, privacy screening or confinement, but not including vehicles, machinery, equipment, buildings or hedges, shrubs, trees, or other natural growth. A fence shall include retaining walls over four feet in height.

212. **FENCE, AGRICULTURAL** shall mean an artificially erected barrier, other than buildings, vehicles or machinery, constructed of manmade material, or combination of manmade materials, erected to enclose an area of land used for agricultural purposes. An agricultural fence may be constructed of barbed or meshed wire.
213. **FENCE, OPEN** shall mean a fence, including gates, which has 50 percent or more of the surface area in open spaces which affords direct views through the fence.
214. **FENCE, SEASONAL** shall mean a temporary fence constructed of plastic or wood lathe erected and maintained from October through April to prevent snow drifting.
215. **FENCE, SOLID** shall mean any fence which does not qualify as an open fence.
216. **FENCE, TEMPORARY** shall mean a fence that is erected for construction purposes or for event security and is removed upon completion of the project or end of the event.
217. **FESTIVAL** shall mean the sale of ethnic specialty, regional, and gourmet foods, art and crafts, live musical entertainment, in an outdoor setting.
218. **FIREWORKS STAND** shall mean any portable building and/or structure used for the retail sale of fireworks, usually on a temporary basis.
219. **FIREWORKS STORAGE** shall mean any permanent building and/or structure where fireworks are stored for any portion of a year provided there is no retail sales made from the storage location. Said storage facility may also be used for the delivery and distribution of fireworks on a wholesale basis.
220. **FLEA MARKET** shall mean a building or open area in which stalls or sale areas are set aside, and rented or otherwise provided, and which are intended for use by various unrelated individuals to sell articles that are either new, old, homemade, homegrown, handcrafted, obsolete, or antique and may include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade. This definition does not include informal or private garage or yard sales.
221. **FLOOD** shall mean the water of any watercourse or drainage way which is above the banks or outside the channel and banks of such watercourse or drainage way. See Section 5.16 of this Ordinance.
222. **FLOOD PLAIN** is that area of land adjoining a watercourse or other body of water which has been or may be hereafter covered by floodwater and which has been designated by the Nebraska Natural Resources Commission, Nebraska Department of Water Resources, or the Federal Emergency Management Agency. See Section 5.16 of this Ordinance.
223. **FLOOD PROOFING** is a combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, intended primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures, and contents of buildings in a flood hazard area.
224. **FLOODWAY** is the channel of the stream or body of water and those portions of the adjoining flood plains designated by the Nebraska Natural Resources Commission, Nebraska Department of Water Resources or the Federal Emergency Management Agency as necessary to carry and discharge the floodwater flow of any such river, stream, or other body of water. See Section 5.16 of this Ordinance.
225. **FLOOR AREA** whenever the term "floor area" is used in this 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.



226. **FOOD SALES** shall mean establishments or places of business primarily engaged in the retail sale of food or household products for home consumption. Typical uses include groceries, delicatessens, meat markets, retail bakeries, and candy shops.
1. **FOOD SALES (LIMITED)** shall mean food sales establishments occupying 10,000 square feet or less of space.
 2. **FOOD SALES (GENERAL)** shall mean food sales establishments occupying more than 10,000 square feet of space. Typically, a supermarket.
227. **FREESTANDING CANOPY** shall mean a permanent, freestanding, unenclosed roof structure, typical of gas stations and financial institutions, designed to provide patrons shelter from the elements.
228. **FRONTAGE** shall mean that portion of a parcel of property which abuts a dedicated public street or highway. See also Lot Frontage and Street Frontage.
229. **FUNERAL HOME / FUNERAL CHAPEL** (See Mortuary.)
230. **GARAGE, PRIVATE** shall mean a detached accessory building or a portion of a main building on the same lot as a dwelling for the housing of vehicles of the occupants of the dwelling, including carports.
231. **GARAGE, PUBLIC** shall mean any garage other than a private garage.
232. **GARAGE, REPAIR** shall mean a building designed and used for the storage, care, repair, or refinishing of motor vehicles including both minor and major mechanical overhauling, paint, and body work. (Also, see Service Station.)
233. **GARBAGE** shall mean any waste food material of an animal or vegetable nature, including that which may be used for the fattening of livestock.
234. **GATED COMMUNITIES** shall mean residential areas that restrict access to normally public spaces. These are subdivisions of usually high-end houses. The type of gates can range from elaborate guard houses to simple electronic arms.
235. **GRADE** shall mean the average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five feet of a sidewalk, the ground level shall be measured at the sidewalk.
236. **GRAPHIC ELEMENT** shall mean a letter, illustration, symbol, figure, insignia, or other device employed to express and illustrate a message or part thereof.
237. **GREEN BUILDING** shall mean structures that incorporate the principles of sustainable design in which the impact of a building on the environment will be minimal over the lifetime of that building. Green buildings incorporate principles of energy and resource efficiency, practical applications of waste reduction and pollution prevention, good indoor air quality and natural light to promote occupant health and productivity, and transportation efficiency in design and construction, during use and reuse. A building shall be considered “green” if it meets the requirements of the most current LEED certification or any other nationally recognized green building certification program.
238. **GREENHOUSE** shall mean a building or premises used for growing plants, preparation of floral arrangements for off-site delivery to customers, cold storage of flowers or dry storage of materials used for agricultural or horticultural purposes.
239. **GREENWAY** shall mean a parcel or parcels of land, together with the improvements thereon, dedicated as an easement for access and/or recreation; usually a strip of land set aside for a walkway, bicycle trail, bridle path, or other similar access-way.
240. **GROUND COVER** shall mean plant material used in landscaping which remains less than 12 inches in height at maturity. (Also, see Landscaping.)



Freestanding Canopy

241. **GROUND WATER** shall mean water occurring beneath the surface of the ground that fills available openings in the rock or soil materials such that they may be considered saturated.
242. **GROUP CARE HOME** shall mean a home which is operated under the auspices of an organization which is responsible for providing social services, administration, direction, and control for the home which is designed to provide twenty-four hour care for individuals in a residential setting. The term does not include any society, club, fraternity, sorority, association, lodge combine, federation, coterie, or like organization; any group of individuals whose association is temporary or seasonal in nature; or any group of individuals who are in a group living arrangement as a result of criminal offenses.
243. **GROUP HOME FOR THE HANDICAPPED** shall mean a dwelling with resident staff shared by four or more handicapped persons who live together as a single housekeeping unit and in a long term, family-like environment in which staff persons provide care, education, and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential. As used herein, the term "handicapped" shall mean having: (1) A physical or mental impairment that substantially limits one or more of such person's major life activities so that such person is incapable of living independently; or (2) A record of having such an impairment.
244. **GROUP HOUSING** shall mean two or more separate buildings on a lot, each containing one or more dwelling units.
245. **GUEST ROOM** shall mean a room which is designed to be occupied by one or more guest for sleeping purposes, having no kitchen facilities, not including dormitories.
246. **GUNSMITH** shall mean a shop that designs, makes or repairs small firearms.
247. **HABITABLE SPACE** shall mean a space in a building for living, sleeping, eating and cooking in compliance with the International Residential Code.
248. **HALF-STORY** shall mean a story under a gable, hip or gambrel roof, plates of which are not more than three feet above the floor of such story.
249. **HALFWAY HOUSE** shall mean 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.
250. **HARD SURFACED** shall mean any surface used for movement of vehicular and / or pedestrians which is properly designed and paved with either asphalt or concrete.
251. **HARMONY** shall mean a quality that represents an appropriate and congruent arrangement of parts, as in an arrangement of varied architectural and landscape elements.
252. **HAZARDOUS WASTE/MATERIALS** shall mean waste products of industrial or chemical process including finished surplus, used, contaminated, or unwanted fertilizer, herbicide, petroleum products, or other such processed waste material.
253. **HEALTH CARE FACILITIES** shall mean a facility licensed or approved by the state or an appropriate agency, if required, used in any of the following: (1) Hospitals including offices or medical societies, offices of charitable public health associations, and private office space for the practice of medicine and dentistry under a license from the Department of Health of the State of Nebraska; provided, that any such private offices for the practice of medicine and dentistry shall be occupied only by those on the staff of the hospital; (2) Convalescent or nursing home; (3) A facility for outpatient physical, occupational, or vocational therapy or rehabilitation; (4) Public health clinics and facilities; and (5) Ambulatory surgical care center which does not allow for overnight stay by patients. Except, as herein provided, health care facilities do not include doctors, or dentists professional offices and private clinics.
254. **HEALTH CLUB** shall mean privately owned for profit facilities such as gymnasiums, athletic clubs, health clubs, recreational clubs, reducing salons, and weight control establishments.
255. **HEALTH RECREATION FACILITY** shall mean an indoor or outdoor facility including uses such as game courts, exercise equipment, locker rooms, whirlpool spa and/or sauna and pro shop.

256. **HEDGE** shall mean a plant or series of plants, shrubs or other landscape material, so arranged as to form a physical barrier or enclosure.
257. **HEIGHT OF BUILDING** shall mean the vertical distance above grade to the highest point of the coping of a flat roof, of the peak of a gable roof, or of any other type of pitched, hipped, or mansard roof. The grade may mean the highest adjoining sidewalk or ground surface within a 5 foot horizontal distance of the exterior wall of the building, when such sidewalk or ground surface is not more than 10 feet above grade. The height of a stepped or terraced building is the maximum height of any segment of the building.
258. **HIGHWAY, MAJOR INTER-REGIONAL** shall mean a "U.S." or "State" designated highway with 100 feet of right-of-way or more on which partial control of access and geometric design and traffic control measures are used to expedite the safe movement of through vehicular traffic.
259. **HIGHWAY SETBACK LINE** shall mean the future right-of-way line or plan lines of any highway. A yard abutting such a highway shall be measured from this future right-of-way line.
260. **HOME BUSINESS** shall mean any business or activity carried on by a member of the family residing on the premises, in connection with which (1) there is no sign other than a non-lighted and non-reflecting name plate not more than two square feet in area, which may designate the home business carried on within, in letters not to exceed two inches in height, and must be attached to the building wherein the home business is conducted; (2) there is no commodity sold upon the premises, except that which is prepared on the premises in connection with such business or activity; (3) employed individuals from outside the immediate family are limited to two; (4) there is no mechanical equipment used except of a type that is similar in character to that customarily found in the home; and (5) no traffic shall be generated by such home business in greater volumes than would be normally generated in the neighborhood.
261. **HOME IMPROVEMENT CENTER** shall mean a facility of more than 30,000 square feet of gross floor area, engaged in the retail sale of various basic hardware lines, such as tools, builders' hardware, lumber, paint and glass, housewares and household appliances, garden supplies, and cutlery.
262. **HOME OCCUPATION** shall mean an "in-home" or "home based" business, industry or service (not including uses defined as Adult Entertainment Establishment) operating from a residential dwelling, or within an accessory structure on the same property in a residential zoning district. Home occupations shall be secondary and incidental in nature to the primary residential structure and/or property in all residential zoning districts. Occupations defined as Home Occupation II are exempt from a conditional use permit.
1. **Home Occupation I:** shall include art/craft making, seamstress services, professional offices (real estate/insurance/medical), multi-level marketing, vending services, service businesses (contracting/janitorial/mechanical), instruction (music), consulting, wholesale/catalogue sales, personal service (beauty/barber/massage/tattoo), shops, renting of rooms for residential purposes, and other similar uses. Such uses include on-site sales and services and may include an employee not residing on the premises.
 2. **Home Occupation II:** shall include home occupations in which an office in the home, including such things as a home phone, computer, etc. are used for telecommuting and/or in deriving other income or sales. This includes business offices for services such as construction, repair and cosmetic services/sales rendered at other locations, internet business, and other similar uses.
263. **HOMEOWNERS ASSOCIATION** shall mean 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.
264. **HOSPITAL** shall mean an institution providing health and emergency services of medical or surgical nature to human patients and injured persons and are licensed by the state to provide facilities and services in surgery, obstetrics, and general medical practice.
265. **HOTEL** shall mean 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, motor hotel.
266. **HOUSE, TRAILER** (see Dwelling: Mobile Home)

267. **HOUSEHOLD PET** shall mean an animal that is customarily kept for personal use or enjoyment within the home. Household pets shall include but not be limited to domestic dogs, domestic cats, domestic tropical birds, fish, and rodents.
268. **HOUSING FOR THE ELDERLY** shall mean a building or group of buildings containing dwellings in which each dwelling unit is occupied by at least one person 55 years of age or more. This does not include developments containing convalescent or nursing facilities. (Also, see Congregate Housing.)
269. **HOUSING FOR THE PHYSICALLY HANDICAPPED** shall mean a building containing a dwelling or a group of dwellings in which each occupied dwelling unit is occupied by at least one physically handicapped person with a mobility impairment which requires certain construction design features for ingress, egress, and freedom of movement within the premises.
270. **IMPERVIOUS SURFACE** shall mean 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, roots, sidewalks, parking lots, and driveways.
271. **INCIDENTAL USE** shall mean a use which is subordinate to the main use of a premise.
272. **INDUSTRIAL PARK** shall mean 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.
273. **INDUSTRY** shall mean 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 thereof and including storage elevators, truck storage yards, warehouses, wholesale storage and other similar types of enterprise.
274. **INFILL DEVELOPMENT** shall mean the construction of a building or structure on a vacant parcel located in a predominately built up area.
275. **INFILL SITE** shall mean any vacant lot, parcel, or tract of land within developed areas of the City, where at least 80 percent 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.
276. **INOPERABLE MOTOR VEHICLE** shall mean any motor vehicle which: (1) Does not have a current state license plate; or (2) 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 which is wholly or partially dismantled shall not be considered inoperable when said vehicle is inside a completely enclosed building.
277. **INSTITUTION** is a non-profit corporation or a non-profit establishment for public use.
278. **INTENSITY** shall mean the degree to which land is used referring to the levels of concentration or activity in uses ranging from uses of low intensity being agricultural and residential to uses of highest intensity being heavy industrial uses. High intensity uses are normally uses that generate concentrations of vehicular traffic and daytime population and are less compatible with lower intensive uses.
279. **INTENT AND PURPOSE** shall mean that the Commission and Council by the adoption of this ordinance, have made a finding that the health, safety, and welfare of the Community will be served by the creation of the District and by the regulations prescribed therein.
280. **JUICE BAR** (See Adult Establishment.)
281. **JUNK** shall be any worn-out, cast-off, old, or discarded articles of scrap, 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.
282. **JUNK (or SALVAGE) YARD** shall mean 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. For motor vehicles, see "Automobile Wrecking Yard".

283. **KENNEL, BOARDING AND TRAINING** shall mean any lot or premises on which four or more dogs, cats or non-farm/non-domestic or any combination thereof, at least four months of age, are boarded, bred, or trained.
284. **KENNEL, COMMERCIAL** shall mean any lot or premises on which four or more dogs, cats or non-farm/non-domestic or any combination thereof, at least four months of age, are groomed, bred, boarded, trained, or sold for a fee.
285. **KENNEL, PRIVATE** shall mean the keeping, breeding, raising, showing or training of four or less dogs, cats, or non-farm/non-domestic or any combination thereof, over four months of age for personal enjoyment of the owner or occupants of the property, and for which commercial gain is not the primary objective.
286. **LABORATORY** shall mean a facility used for testing and analyzing medical and dental samples from off-site locations. Testing laboratories shall refer to soil and geotechnical research and analysis. Laboratories do not include human or animal research / testing facilities.
287. **LAGOON** shall mean a wastewater treatment facility which 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 waste. All lagoons shall meet the minimum design criteria established by the Nebraska Department of Environmental Quality and the Nebraska Department of Health and Human Services. All lagoons shall have the proper permits approved prior to starting construction.
288. **LANDFILL** shall mean a disposal site employing a method of disposing solid wastes in a manner that minimizes environmental hazards in accordance with state and federal requirements.
289. **LANDSCAPE** shall mean plant materials, topography, and other natural physical elements combined in relation to one another and to man-made structures.
290. **LANDSCAPING** shall include the original planting of suitable vegetation in conformity with the requirements of this ordinance and the continued maintenance thereof.
291. **LAUNDRY SERVICE** shall mean an establishment that provides home-type washing, drying, and/or ironing facilities for customers on the premises.
292. **LAWFUL** shall mean not in conflict with any laws, ordinances, or statutes existing at the time of the enactment of this ordinance.
293. **LEAPFROG DEVELOPMENT** shall mean the development of cheaper land on the urban fringe by jumping over more expensive land located immediately adjacent to an existing development resulting in inadequate or lack of support services such as access to a street system designed to carry high volume traffic, utilities, and other commercial facilities or public services such as police, fire, schools, and parks, thus adding to the tax burden of the general public and being an uneconomical growth pattern to the community or county.
294. **LEED** shall mean a professional credential that means Leadership in Energy and Environmental Design as administered and regulated by the United States Green Building Council.
295. **LEED-ND** shall mean a professional credential within the overall LEED program meaning Leadership in Energy and Environmental Design – Neighborhood Design as administered and regulated by United States Green Building Council.
296. **LIFE CARE FACILITY** shall mean a facility for the transitional residency of the elderly and/or disabled persons, progressing from independent living to congregate apartment living where residents share common meals and culminating in full health and continuing care nursing home facility. (also see Congregate Housing)
297. **LIGHT CUT-OFF ANGLE** shall mean an angle from vertical, extending downward from a luminaire, which defines the maximum range of incident illumination outward at the ground plane.
298. **LIMITS OF GRADING** shall mean the outermost edge of the area in which the existing topography is to be altered by cutting and/or filling.

- has frontage upon a street, and is a part of a recorded subdivision plat or has been recorded prior to the adoption of the Regulation, or a parcel of real property delineated on an approved record of survey, lot-split or sub-parceling map as filed in the office of the County Recorder and abutting at least one public street or right-of-way, two thoroughfare easements, or one private road.
305. **LOT AREA** shall mean the total area, on a horizontal plane, within the lot lines of a lot.
306. **LOT, CORNER** shall mean a lot located at the intersection of two or more streets, the interior angle of such intersection not more than 135 degrees. If the angle is greater than 135 degrees, the lot shall be considered an "Interior Lot". The front of such a lot shall be the shortest of the two sides fronting on streets. The other yard shall be referred to as the Street Side Yard. In existing developed areas, the Street Side Yard setback may conform to existing setbacks of existing structures along that street. In new developments, the Street Side Yard setback shall be equal to the Front Yard setback.
307. **LOT COVERAGE** shall mean the portion of a lot or building site which is occupied by any building or structure, excepting paved areas, walks and swimming pools, regardless of whether said building or structure is intended for human occupancy or not.
308. **LOT, CURVED** shall mean a lot fronting on the outside curve of the right-of-way of a curved street, which street has a centerline radius of 300 feet or less.
309. **LOT DEPTH** shall mean the horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.
310. **LOT, DOUBLE FRONTAGE** shall mean a lot having a frontage on two non-intersecting streets as distinguished from a corner lot.
311. **LOT, FLAG** shall mean a lot with frontage and access provided to the bulk of the lot by means of a narrow corridor.
312. **LOT FRONTAGE** shall mean the side of a lot abutting on a legally accessible street right-of-way other than an alley or an improved county road. For the purposes of this definition, on corner lots, all sides of a lot adjacent to streets or roads shall be considered frontage.
313. **LOT, INTERIOR** shall mean a lot other than a corner lot.
314. **LOT LINE** shall mean the property line bounding a lot.
315. **LOT LINE, FRONT** shall mean the property line abutting a street.
316. **LOT LINE, REAR** shall mean a lot line not abutting a street which is opposite and most distant from the front lot line.
317. **LOT LINE, SIDE** shall mean any lot line not a front lot line or rear lot line.
318. **LOT, NON-CONFORMING** shall mean a lot having less area or dimension than that 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 ordinance.
319. **LOT OF RECORD** shall mean 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 regulation establishing the zoning district in which the lot is located.
320. **LOT, THROUGH** shall mean a lot having frontage on two dedicated streets, not including a corner lot.
321. **LOT WIDTH** shall mean the average horizontal distance between the side lot line, measured at right angles to the lot depth at a point midway between the front and rear lot lines.
322. **LOT, ZONING** shall mean a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein

- required. Such lot shall have frontage on an improved public street, or on the approved private street, and may consist of:
1. A single lot of record;
 2. A portion of a lot of record;
 3. A combination of complete lots of record and portions of lots of record, or of portions of record, provided such lots are under common ownership, contiguous, and used as a single lot;
 4. A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this ordinance.
323. **MAIL ORDER SERVICES** shall mean 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.
324. **MAJOR RECREATIONAL EQUIPMENT** includes boats and boat trailers, travel trailers, pickup campers or coaches, designed to be mounted on automotive vehicles, motorized dwelling, tent trailers and the like and recreational vehicles.
325. **MANUFACTURED HOME PARK** shall mean a parcel of land under single ownership that has been planned and improved for the placement of manufactured housing used or to be used for dwelling purposes and where manufactured home spaces are not offered for sale or sold. The term "manufactured home park" does not include sales lots on which new or used manufactured homes are parked for the purposes of storage, inspection, or sale.
326. **MANUFACTURED HOME SUBDIVISION** shall mean any area, piece, parcel, tract or plot of ground subdivided and used or intended to be used for the purpose of selling lots for occupancy by manufactured homes.
327. **MANUFACTURING** shall mean 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 materials such as lubricating oils, plastics, resins, or liquors. 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.
328. **MANUFACTURING, LIGHT** shall mean an establishment engaged in the indoor manufacturing, assembly, fabrication, packaging or other industrial processing of finished parts or products, primarily from previously prepared materials, or the indoor provision of industrial services, where there are few external effects across property lines. This term includes but is not limited to a business engaged in the processing, fabrication, assembly, treatment, or packaging of food, textile, leather, wood, paper, chemical, plastic, or metal products, but does not include basic industrial processing from raw materials.
329. **MAP, OFFICIAL ZONING DISTRICT** shall mean a map delineating the boundaries of zoning districts which, along with the zoning text, is officially adopted by the North Bend City Council.
330. **MASSAGE ESTABLISHMENT** shall mean any building, room, place, or establishment other than a regularly licensed and established hospital or dispensary where non-medical or non-surgical manipulative exercises or devices are practiced upon the human body manually or otherwise by any person other than a licensed physician, surgeon, dentist, occupational and/or physical therapist, chiropractor, or osteopath with or without the use of therapeutic, electrical, mechanical, or bathing device. Said establishment shall comply with all state regulations as per §71-1,278 through §71-1,283, Nebr. R.R.S., 1943
331. **MASSAGE PARLOR** (See Adult Massage Parlor, Health Club)
332. **MASTER FEE SCHEDULE** shall mean a fee schedule maintained by the City of North Bend and passed, and amended periodically, which establishes the required fees to be collected for specific Planning, Zoning, Subdivision, and Building Inspection activities.
333. **MECHANICAL EQUIPMENT** shall mean equipment, devices, and accessories, the use of which relates to water supply, drainage, heating, ventilating, air conditioning, and similar purposes.

334. **MEDICAL/DENTAL OFFICES** shall mean a building or portion of a building containing offices and facilities for providing medical, dental, and psychiatric services for outpatients only.
335. **MEETING HALL** shall mean a building designed for public assembly.
336. **MICROBREWERY** (See Brew Pub)
337. **MINI-STORAGE OR MINI-WAREHOUSE** (See Self-Service Storage Facility.)
338. **MISCELLANEOUS REPAIR SERVICES** shall include electrical repair shops; watch, clock and jewelry repair shops; and re-upholstery and furniture repair.
339. **MISCELLANEOUS STRUCTURES** shall mean structures, other than buildings, visible from public ways. Examples are: memorials, stagings, antennas, water tanks and towers, sheds, shelters, fences, and walls, kennels, transformers, drive-up facilities.
340. **MIXED USE** shall mean properties where various uses, such as office, commercial, institutional, and residential, 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.
341. **MOBILE HOME** (See Dwelling, Mobile Home)
342. **MOBILE HOME PARK** (See Manufactured Home Park.)
343. **MOBILE HOME SUBDIVISION** (See Manufactured Home Subdivision.)
344. **MONOTONY** shall mean repetitive sameness, lacking variety and variation, and/or reiteration.
345. **MORTUARY** shall mean an establishment in which the deceased are prepared for burial or cremation. The facility may include funeral services and spaces for informal gatherings or a display of funeral equipment. This classification excludes cemeteries and crematories.
346. **MOTEL** (See Hotel.)
347. **MOTOR VEHICLE** shall mean every self-propelled land vehicle, not operated upon rails, except mopeds and self-propelled invalid chairs.
348. **NEBRASKA REVISED REISSUED STATUTES**, 1943 and the abbreviated term Nebr. R. R. S., 1943 are one and the same.
349. **NEWSSTAND** shall mean a temporary structure manned by a vendor who sells newspapers, magazines and other periodicals.
350. **NIGHTCLUB** shall mean a commercial establishment dispensing beverages for consumption on the premises and in which dancing is permitted or entertainment is provided. (Also, see Bar.)
351. **NON-COMMUNITY WATER SUPPLY SYSTEM** shall mean any public water supply system that is not a community water supply system.
352. **NON-CONFORMING** shall mean a building or use, or portion thereof, which was lawful when established but which does not conform to subsequently established zoning regulations.
353. **NON-CONFORMING STRUCTURE** shall mean a building or portion thereof which was lawful when established but which does not conform to subsequently established zoning or zoning regulations.
354. **NON-CONFORMING USE** shall mean a use lawful when established but which does not conform to subsequently established zoning or zoning regulation.
355. **NON-FARM BUILDINGS** are all buildings except those buildings utilized for agricultural purposes on a farmstead of twenty acres or more which produces one thousand dollars or more of farm products each year.
356. **NUDE MODEL STUDIO** shall mean any place where a person who appears semi-nude, in a state of nudity, or who displays specified anatomical areas and is provided to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons who pay money or any form of consideration. Nude model studio shall not include a college, community college, or university

supported entirely or in part by public money, or a private college or university which maintains and operates educational programs in which credits are transferable to a college, community college, or university supported entirely or partly by public money, or in a structure or private studio operated by the college or university:

1. That has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing;
 2. Where, in order to participate in a class, a student must enroll at least three days in advance of the class; and
 3. Where no more than one nude or semi-nude model is on the premises at any one time.
357. **NUISANCE** shall mean anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses such as noise, dust, odor, smoke, gas, pollution, congestion, lighting, and litter.
358. **NURSERY** shall mean the use of a premises for the propagation, cultivation, and growth of trees, shrubs, plants, vines, and the like from seed or stock, and the sale thereof, and including the sale of trees, shrubs, plants, vines, and the like purchased elsewhere and transplanted into the soil of the premises. In connection with the sale of plants, fungicides, insecticides, chemicals, peat moss, humus, mulches, and fertilizers as are intended to be used in preserving the life and health of the plants may be sold.
359. **NURSERY SCHOOL** (See Preschool)
360. **NURSING HOME** shall mean a facility used for occupied by persons recovering from illness or suffering from infirmities of old age requiring skilled nursing care and related medical services and licensed by the appropriate state or federal agency or agencies.
361. **OFFICE** shall mean a building or a portion of a building wherein services are performed involving, primarily, administrative, professional, or clerical operations.
362. **OFFICE PARK** shall mean a development which contains a number of separate office buildings, accessory and supporting uses, and open space all designed, planned, constructed, and maintained on a coordinated basis.
363. **OFFICIAL MAP** (See Map, Official Zoning District.)
364. **OFF-STREET PARKING AREA or VEHICULAR USE AREA** shall refer to all off street areas and spaces designed, used, required, or intended to be used for parking, including driveways or access ways in and to such areas.
365. **OPEN LOTS** shall mean 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 windbreaks or small shed-type areas.
366. **OPEN SPACE** shall mean 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.
367. **OPEN SPACE, COMMON** shall mean a separate and distinct area set aside as open space within or related to a development, and not on individually owned lots or dedicated for public use, but which is designed and intended for the common use or enjoyment of the residents of the development. Rights-of-way, private streets, driveways, parking lots or other surfaces designed or intended for vehicular use or required yards shall not be included as common open space.
368. **OUTDOOR ADVERTISING** shall include the definitions of "Advertising Structure" and "Sign".
369. **OUTDOOR STORAGE** shall mean the storage of any material for a period greater than 72 hours not in an enclosed building, including items for sale, lease, processing, and repair (including motor vehicles).
370. **OUTDOOR STORAGE CONTAINER** shall mean a fully enclosed, detached, and self-supporting structure, by itself incapable of motion or movement. The container must be manufactured/assembled off-site and transportable, by means other than its own, to a location where it is set into place on a graded surface of concrete, asphalt, or gravel and not upon a foundation or wheels. It shall be made of

- metal or a similar stable, durable, and acceptable material and shall not include a foundation, electricity, plumbing, or other mechanical systems as part of its assembly or use.
371. **OUTLOT** shall mean a lot remnants or parcel of land left over after platting, which is intended as open space or other use, for which no building permit shall be issued on any private structures.
372. **OVERLAY DISTRICT** shall mean a district in which additional requirements act in conjunction with the underlying zoning district. The original zoning district designation does not change.
373. **OWNER** shall mean one or more persons, including corporations, who have title to the property, building or structure in question.
374. **PAINTBALL** shall mean all guns and other devices used for the purpose of firing pellets containing latex paint at a person or target.
375. **PAINTBALL COURSE, COMMERCIAL** shall mean a commercial recreational park containing obstacle courses for the purpose of staging paintball battles. Said facility generally collects a fee, either as membership or on a visit by visit basis that allows individuals to participate in paintball activities.
376. **PARCEL** shall mean 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.
377. **PARK** shall mean any public or private land available for recreational, educational, cultural, or aesthetic use.
378. **PARKING AREA, PRIVATE** shall mean an area, other than a street, used for the parking of automotive vehicles capable of moving under their own power and restricted from general public use.
379. **PARKING AREA, PUBLIC** shall mean an area, other than a private parking area or street used for the parking of vehicles capable of moving under their own power, either free or for remuneration.
380. **PARKING LOT** is an area consisting of one or more parking spaces for motor vehicles together with a driveway connecting the parking area with a street or alley and permitting ingress and egress for motor vehicles.
381. **PARKING SPACE, AUTOMOBILE** shall mean an area, other than a street or alley, reserved for the parking of an automobile, such space having a dimension not less than nine feet by 20 feet, plus such additional area as is necessary to afford adequate ingress and egress.
382. **PARKWAY** shall mean an arterial highway with full or partial control of access and located within a park or ribbon of park like development.
383. **PERFORMANCE GUARANTEE** shall mean a financial guarantee to ensure that all improvements, facilities, or work required by this Ordinance will be completed in compliance with these regulations as well as with approved plans and specifications of a development.
384. **PERMANENT FOUNDATION** shall mean 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.
385. **PERMANENTLY ATTACHED** shall mean connected to real estate in such a way as to require dismantling, cutting away, or unbolting in order to remove, relocate, or replace.
386. **PERMITTED USE** shall mean any land use allowed without condition within a zoning district.
387. **PERSON** shall mean 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 North Bend, Nebraska.
388. **PET HEALTH SERVICE** (See Animal Hospital)
389. **PET SHOP** shall mean a retail establishment primarily involved in the sale of domestic animals, such as dogs, cats, fish, birds, and reptiles, excluding exotic animals and farm animals such as horses, cattle, goats, sheep and poultry.
390. **PINBALL or VIDEO GAMES BUSINESS** (See Amusement Arcade)

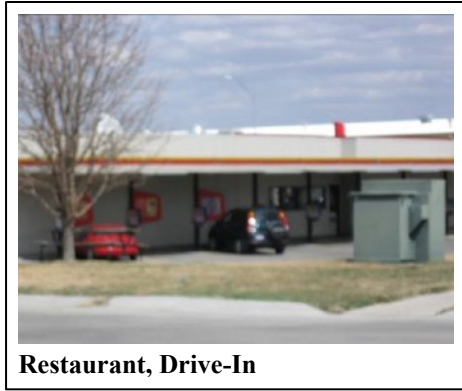
391. **PLANNED UNIT DEVELOPMENT** shall mean a development designed to provide for an unusual or different arrangement of residential, business, or industrial uses in accordance with an approved development plan.
392. **PLANNING COMMISSION** shall mean the Planning Commission of North Bend, Nebraska.
393. **PLANT MATERIALS** shall mean trees, shrubs, vines, ground covers, grass, perennials, annuals, and bulbs.
394. **PLAT** shall mean a map showing the location, boundaries, and legal description of individual properties.
395. **POLICY** shall mean a statement or document of the City, such as the comprehensive plan, which forms the basis for enacting legislation or making decisions.
396. **POSTAL STATION** shall mean a commercial business which conducts the retail sale of stationery products, provides packaging and mail services (both U.S. Postal and private service), and provides mailboxes for lease.
397. **POULTRY** shall mean domestic fowl, chickens, ducks, geese, and similar fowl, but specifically excluding turkeys and guinea fowl.
398. **PRESCHOOL** shall mean an early childhood program which provides primarily educational services, where children do not nap and where children are not served a meal.
399. **PREMISES** shall mean a lot, together with all the buildings and structures thereon.
400. **PRINCIPAL BUILDING** (See Building, Principal)
401. **PRINCIPAL USE** (See Use, Principal)
402. **PROFESSIONAL SERVICES** are services provided by physicians, surgeons, chiropractors, osteopaths, physical therapists, dentists, architects, engineers, urban planners, lawyers, accountants, and the like.
403. **PROHIBITED USE** shall mean any use of land, other than non-conforming, which is not listed as a permitted use or conditional use within a zoning district.
404. **PROMOTIONAL DEVICE** shall mean any sign intended to be displayed either with or without a frame, with or without characters, letters, illustrations, or other material, on a fabric of any kind. National flags, flags of political subdivisions, or symbolic flags of any institutions or business shall be considered a promotional device for the purpose of this definition. Banners, pennants, inflatable characters, streamers, or fringe-type ribbons or piping shall be considered as a promotional device.
405. **PROPORTION** shall mean a balanced relationship of parts of a building, landscape, structures, or buildings to each other and to the whole.
406. **PROTECTED ZONE** shall mean all lands that fall outside 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 the Zoning Regulation.
407. **PUBLIC FACILITY** shall mean any building, location, or structure, owned by a public entity such as a library, fire station, school, park, and other similar facilities and uses.
408. **PUBLIC SERVICES/USE** shall mean a specified activity or area that either through actual public ownership or through dedication of easements allows the general public access and use.
409. **PUBLIC UTILITY** shall mean any business which furnishes the general public telephone service, telegraph service, electricity, natural gas, water and sewer, or any other business so affecting the public interest as to be subject to the supervision or regulation by an agency of the state or federal government.
410. **PUBLIC WATER SUPPLY** shall mean a water supply system designed to provide public piped water fit for human consumption, if such system has at least 15 service connections or regularly serves at least twenty-five individuals. This definition shall include: (1) Any collection, treatment, storage, or distribution facilities under the control of the operator of such system and used primarily in connection

- with such system; and (2) Any collection or pretreatment storage facilities not under such control which are used primarily in the connection with such system.
411. **PUBLIC WAY** is any sidewalk, street, alley, highway, easement, or other public thoroughfare.
412. **QUARRY** shall mean an open pit from which building stone, sand, gravel, mineral, or fill is taken to be processed for commercial purposes.
413. **RAILROAD** shall mean the land use including the right-of-way (R. O. W.) abutting railroad properties occupied by users pertinent to the railroad operation and maintenance, but not including properties owned by the railroad and leased for use by others.
414. **RECREATIONAL ESTABLISHMENT** (See Recreational Facility)
415. **RECREATIONAL FACILITY** shall mean public or private facilities for the use by the public for passive and active recreation including tennis, handball, racquetball, basketball, track and field, jogging, baseball, soccer, skating, swimming, or golf. 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, racetracks (including all motor powered vehicles) and wildlife conservation areas (used for public viewing), and theme parks.
416. **RECREATIONAL VEHICLE (RV)** shall mean a vehicular unit less than 40 feet in overall length, 8 feet in width, or 12 feet in overall height, primarily designed as a temporary living quarter for recreational camping or travel use having either its own power or designed to be mounted on or drawn by a motor vehicle. Recreational vehicles include motor homes, truck campers, travel trailers, camping trailers, and fifth wheel.
417. **RECREATIONAL VEHICLE (RV) PARK** shall mean 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.
418. **RECYCLING CENTER** shall mean a facility other than a junkyard in which recoverable resources such as paper, glass, metal cans, and plastics, are collected, bundled, stored, flattened, crushed, or reduced in some manner within a completely enclosed building, in preparation for shipment to others from reuse.
419. **RECYCLING COLLECTION POINT** shall mean a drop-off point for temporary storage of recoverable resources such as paper, glass, cans, and plastics, and where no processing of such items takes place.
420. **RECYCLING PLANT** shall mean a facility other than a junkyard where recoverable resources such as paper products, glass, metal cans and other products are recycled, reprocessed, and treated to return the products to a condition in which they may be reused for production.
421. **REDEVELOPMENT** shall mean the act of preserving and/or rehabilitating existing buildings. In extreme cases, a building or structure could be demolished for the purpose of a new use or building.
422. **REINSPECTION FEE** shall mean any fee charged for an inspection other than the initial inspection when required work has not or was not completed and results in additional trips to the site by the inspector or agent of the City.
423. **REMODELING** is any change in a structure (other than incidental repairs and normal maintenance) which may prolong its useful life; or the construction of any addition to, or enlargement of, a structure; or removal of any portion of a structure.
424. **RESERVATION CENTER** shall mean a travel agency; or other such agency involved in selling and arranging transportation, tours, trips, and accommodations for tourists.
425. **RESIDENCE** shall mean a building used, designed, or intended to be used as a home or dwelling place for one or more families.
426. **RESTAURANT** shall mean a public eating establishment at which the primary function is the preparation and serving of food primarily to people seated within the building.

427. **RESTAURANT, DRIVE-IN** shall mean an establishment that has the facilities to serve prepared food and/or beverages to customers seated within motor vehicles for consumption either on or off the premises.

428. **RESTAURANT, ENTERTAINMENT** shall mean an establishment where food and drink are prepared, served, and consumed, within a building or structure that integrally includes electronic and mechanical games of skill, simulation, and virtual reality, play areas, video arcades or similar uses, billiards, and other forms of amusement.

429. **RESTAURANT, FAST FOOD** shall mean an establishment whose principal business is the sale of food and/or beverages in ready-to-consume individual servings, for consumption either within the establishment, for carryout, drive-thru or drive-in; and where food and/or beverages are usually served in paper, plastic, or other disposable containers.

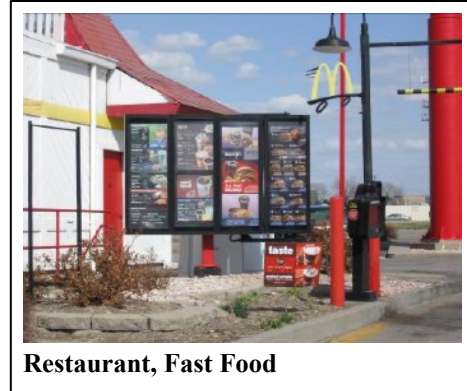


Restaurant, Drive-In

430. **RETAIL, BIG BOX** (see Big Box Retail)

431. **RETAIL TRADE or USE** shall mean users primarily engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of goods. Uses engaged in retail trade sell merchandise to the general public or to households for personal consumption.

432. **RETENTION BASIN** shall mean a pond, pool, or basin used for the permanent storage of stormwater runoff.



Restaurant, Fast Food

433. **REVERSE SPOT ZONING** shall mean 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 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.

434. **REZONING** shall mean an amendment to or change in the zoning regulations either to the text or map or both.

435. **REZONING, PIECEMEAL** shall mean the zoning reclassification of individual lots resulting in uncertainty in the future compatible development of the area.

436. **RIGHT-OF-WAY** shall mean 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.

437. **ROAD** shall mean the same as "Street".

438. **ROAD, PRIVATE** shall mean a way, other than driveways, open to vehicular ingress and egress established for the benefit of certain, adjacent properties not to exceed more than twelve lots served by such road. (Also, see Right-of-way and Street.)

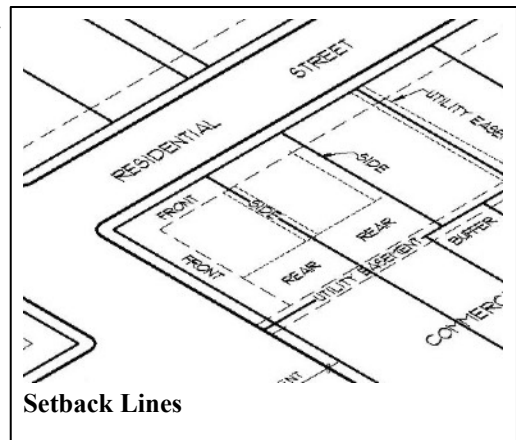
439. **ROAD, PUBLIC** shall mean a public right-of-way reserved or dedicated for street or road traffic. (Also, see Right-of-way and Street.)

440. **ROADSIDE STAND** is a structure for the display and sale of products on a temporary or seasonal basis.

441. **ROOM** shall mean an un-subdivided portion of the interior of a dwelling unit, excluding bathroom, kitchen, closets, hallways, and service porches.

442. **SALVAGE YARD** shall mean businesses engaged in the storage, collection, purchase, sale, salvage, or disposal of machinery, parts and equipment that are a result of dismantling or wrecking, including scrap metals or other scrap materials, with no burning permitted.

443. **SATELLITE DISH ANTENNA** shall mean a round, parabolic antenna incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, or cone and used to transmit and/or receive radio or electromagnetic waves.
444. **SCALE** shall mean a proportional relationship of the size of parts to one another and to the human figure.
445. **SCHOOL, ELEMENTARY, JUNIOR HIGH, OR HIGH** shall mean public and other non-profit institutions conducting regular academic instruction at kindergarten, elementary, and secondary levels. Such institutions shall offer general academic instruction equivalent to the standards prescribed by the State Board of Education.
446. **SCHOOL, PRE-, OR NURSERY** shall mean a school or center for children under school age, whether licensed as a day care center or not, shall be approved by the Nebraska State Fire Marshall as being in safety conformance with the National Fire Protection Association, Pamphlet 101, known as the Life Safety Code and shall be approved by the Nebraska Department of Health and Welfare as meeting their health and welfare standards.
447. **SCHOOL, PRIVATE** shall mean facilities which conduct regular academic instruction for a profit, such as commercial schools, private trade schools, and business schools.
448. **SCHOOL, TRADE** shall mean an institution offering extensive instruction in technical, commercial, or trade skills and operated by a non-governmental organization.
449. **SCREENING** shall mean a structure of planting that conceals from view from public ways the area behind such structure or planting.
450. **SEASONAL USE** shall mean those land uses and structures that are operated during specific seasons of the year, i.e.. Christmas tree sales and haunted houses.
451. **SELECTIVE CLEARING** shall be the careful and planned removal of trees, shrubs, and plants using specific standards and protection measures.
452. **SELF-SERVICE STATION** shall mean 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.
453. **SELF-SERVICE STORAGE FACILITY** shall mean a building or group of buildings containing individual, compartmentalized, and controlled access stalls, bays or lockers for storage.
454. **SEPARATE OWNERSHIP** shall mean ownership of a parcel of land by a person who does not own any of the land abutting such parcel.
455. **SERVICE STATIONS** shall mean buildings and premises where the primary use is the supply and dispensing at retail of motor fuels, lubricants, batteries, tires, and motor vehicle accessories and where light maintenance activities such as engine tune-ups, lubrications, and washing may be conducted, but not including heavy maintenance and repair such as engine overhauls, painting, and body repair.
456. **SETBACK LINE, FRONT YARD** shall mean the line which defines the depth of the required front yard. Said setback line shall be parallel with the right-of-way line or highway setback line when one has been established.
457. **SETBACK LINE, REAR YARD OR SIDE YARD** shall mean the line which defines the width or depth of the required rear or side yard. Said setback line shall be parallel with the property line, removed therefrom by the perpendicular distance prescribed for the yard in the district.
458. **SEXUAL ENCOUNTER CENTER** shall mean a commercial establishment that, as one of its principal business purposes, offers for any form of consideration:



1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
2. Activities between either male and female persons or persons of the same sex, or both, when one or more of the persons is in a state of nudity or semi-nudity.

459. **SHOPPING CENTER** shall mean a group of commercial establishments planned, constructed, and managed as a total entity with customer and employee parking provided on-site, provisions for goods delivery that is separated from customer access, aesthetic considerations, and protection from the elements.

460. **SHOPPING CENTER, COMMERCIAL STRIP** shall mean a commercial development, usually one store deep, that fronts on a major street for a distance of one City block or more. Includes individual buildings on their own lots, with or without on-site parking and small linear shopping centers with shallow on-site parking in front of the stores.

461. **SHOPPING CENTER, OUTLET** shall mean a commercial development that consists mostly of manufacturers' outlet stores selling their own brands at a discounted price. This definition includes all forms of centers, such as strip style, enclosed mall style, and City clustered style centers.



Example of a Sidewalk Cafe

462. **SHRUB** shall mean a multi-stemmed woody plant other than a tree.

463. **SIDEWALK CAFE** shall mean an area adjacent to a street level eating or drinking establishment located adjacent to the public pedestrian walkway and used exclusively for dining, drinking, and pedestrian circulation. The area may be separated from the public sidewalk by railings, fencing, or landscaping or a combination thereof.

464. **SIGHT TRIANGLE** is 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 between a height of 30 inches and 10 feet above the grades of the bottom of the curb of the intersecting streets, measured from the point of intersection of the centerline of the streets, 60 feet in each direction along the centerline of the streets. At the intersection of major or arterial streets, the 60-foot distance shall be increased to 90 feet for each arterial leg of the intersection.

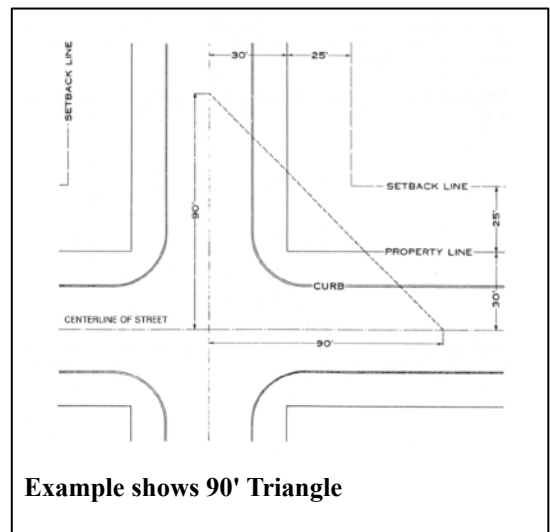
465. **SIGN** see Article 7 of this Ordinance.

2.03.465 **SIMILAR USE** shall mean the use of land, buildings, or structures of like kind or general nature with other uses within a zoning district as related to bulk, intensity of use, traffic generation and congestion, function, public services requirements, aesthetics or other similarities.

466. **SITE BREAK** shall mean a structural or landscape device to interrupt long vistas and create visual interest in a site development.

467. **SITE PLAN** (See Development Concept Plan)

468. **SITE, SEPTIC** shall mean the area bounded by the dimensions required for the proper location of the septic tank system.



Example shows 90' Triangle

469. **SKATE, IN-LINE** shall mean a boot-type device, which is placed on an individual's feet. In-line skates contain wheels on the bottom of the boot, which are attached in linear fashion.

470. **SKATE PARK** shall mean a recreational facility containing skateboard ramps and other obstacle courses and devices for use with skateboards and in-line skates.

471. **SKATEBOARD** shall mean a foot board mounted upon four or more wheels and is usually propelled by the user who sometimes stands, sits, kneels, or lays upon the device while it is in motion.

472. **SKATEBOARD PIPE** shall mean an outdoor structure which is shaped into a half circle or oval, that are designed and principally intended to permit persons on skateboards to move continuously from one side to the other.
473. **SKATEBOARD RAMP** shall mean an outdoor structure with an upward inclined surface, essentially one of the sides of a pipe, which are designed and principally intended to permit persons on skateboards to move from horizontal to vertical and back to horizontal.
474. **SLUDGE** shall mean solids removed from sewage during wastewater treatment and then disposed of by incineration, dumping, burial, or land application.
475. **SOLID WASTE** shall mean waste materials consisting of garbage, trash, refuse, rubble, sewage, offal, dead animals, or paunch manure.
476. **SOLID WASTE COMPANY** shall mean any company or firm that takes away, removes, or transfers solid waste from one location to another through the use of vehicles or rail cars.
477. **SPECIFIED ANATOMICAL AREAS** shall mean anatomical areas consisting of:
1. Less than completely and opaquely covered human genitals, pubic region, buttock, anus, or female breast(s) below a point immediately above the top of the areola; and,
 2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
478. **SPECIFIED SEXUAL ACTIVITIES** shall mean activities consisting of the following:
1. 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, or the use of excretory functions 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, picquerism, sapphism, zooerasty; or
 2. Clearly depicted human genitals in the state of sexual stimulation, arousal, or tumescence; or
 3. Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation; or
 4. Fondling or touching of nude human genitals, pubic region, buttocks, or female breast(s); or
 5. Situation 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 or any such persons; or
 6. Erotic or lewd touching, fondling, or other sexually oriented contact with an animal by a human being; or
 7. Human excretion, urination, menstruation, vaginal, or anal irrigation.
479. **SPORTING GOODS STORE** shall mean an enclosed building housing an established offering of sporting goods or services for retail sale direct to walk-in customers, except for the commercial sale and service of firearms and ammunition.
480. **SPOT ZONING** shall mean 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.
481. **STABLE** shall mean a facility, either as a principal or accessory use, which is designed for the maintenance, rental, or storage of non-domesticated animals.
482. **STABLE, PRIVATE** shall mean a detached accessory building for the keeping of horses owned by the occupants of the premises and not kept for remuneration, hire or sale.
483. **STABLE, RIDING** shall mean a structure in which horses or ponies, used elusively for pleasure riding or driving, are housed, boarded, or kept for remuneration, hire or sale.
484. **STANDARD SYSTEM** shall mean a sewage treatment system employing a building sewer, septic tank, and a standard soil absorption system.
485. **STATE** shall mean the State of Nebraska.
486. **STORAGE** shall mean 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 30 days.

487. **STOREFRONT** shall mean the public-accessible entrance(s) to a commercial use visible from a private/public street or sidewalk.
488. **STORM DRAIN** shall mean a conduit that carries natural storm and surface water drainage but not sewage and industrial wastes, other than unpolluted cooling water.
489. **STORMWATER DETENTION** shall mean any storm drainage technique that retards or detains runoff, such as a detention or retention basin, parking lot storage, rooftop storage, porous pavement, dry wells, or any combination thereof. Said detention shall be designed by a licensed professional engineer and approved by the City
490. **STORMWATER MANAGEMENT** shall mean the collecting, conveyance, channeling, holding retaining, detaining, infiltrating, diverting, treating, or filtering of surface water, or groundwater, and/or runoff, together with applicable managerial (non-structural) measures.
491. **STORMWATER RETENTION AREA** shall mean an area designed by a licensed professional engineer and approved by the City to retain water to control the flow of stormwater.
492. **STORMWATER RUNOFF** shall mean surplus surface water generated by rainfall that does not seep into the earth but flows over land to flowing or stagnant bodies of water.
493. **STORY** shall mean a space in a building between the surface of any floor and the surface of the floor above, or if there is not floor above, then the space between such floor and the ceiling or roof above. If the finished floor level directly above a basement or cellar is more than six feet above grade and more than 50 percent of that total perimeter or is more than 12 feet above grade at any point, then such basement or cellar shall be considered a story.
494. **STORY, ONE-HALF** shall mean the same as "Half-Story".
495. **STREET** shall mean a public thoroughfare or right-of-way dedicated, deeded, or condemned for use as such, other than an alley, which affords the principal means of access to abutting property including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare except as excluded in this ordinance.
496. **STREET, ARTERIAL** shall mean 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.
497. **STREET CENTERLINE** shall mean the centerline of a street right-of-way as established by official surveys.
498. **STREET, COLLECTOR** shall mean a street or highway, which is intended to carry traffic from minor Street to major streets. Collector streets are usually the principal entrance streets to residential developments and the streets for circulation within the development.
499. **STREET, CURVILINEAR** shall mean local streets that deviate from straight alignment and change direction without sharp corners or bends.
500. **STREET, EXPRESSWAY** shall mean a street or road that provides fast and efficient movement of large volumes of vehicular traffic between areas and does not provide direct access to property.
501. **STREET FRONTAGE** shall mean the distance for which a lot line of a zone lot adjoins a public street, from one lot line intersecting said street to the furthest distant lot line intersecting the same street. Shall mean all of the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street, or if the street is deadended, then all of the property abutting on one side between an intersecting street and the deadend of the street.
502. **STREET, FRONTAGE ACCESS** shall mean a street parallel and adjacent to a major street, major inter-regional highway, or major collection road and primarily for service to the abutting properties and being separated from the major street by a dividing strip.



An Example of a Stormwater Management project

503. **STREET HARDWARE** shall mean man-made objects other than buildings that are part of the streetscape. Examples are: lamp posts, utility poles, traffic signs, benches, litter containers, planting containers, letter boxes, fire hydrants.
504. **STREET, LOCAL** shall mean a street designed for local traffic that provides direct access to abutting residential, commercial, or industrial properties.
505. **STREET, LOOPED** shall mean a continuous local street without intersecting streets and having its two outlets connected to the same street.
506. **STREETS, MAJOR** shall mean a street or highway used primarily for fast or high volume traffic, including expressways, freeways, boulevards, and arterial streets.
507. **STREET, PRIVATE** shall mean an open, unoccupied space, other than a street or alley dedicated to the public, but permanently established as the principal means of vehicular access to abutting properties. The term "private street" includes the term "place."
508. **STREET, SIDE** shall mean that street bounding a corner or reversed corner lot and which extends in the same general direction as the line determining the depth of the lot.
509. **STREET LINE** shall mean a dividing line between a lot, tract, or parcel of land and the contiguous street.
510. **STREETSCAPE** shall mean the scene as may be observed along a public street or way composed of natural and man-made components, including buildings, paving, plantings, street hardware, and miscellaneous structures.
511. **STRUCTURE** shall mean anything constructed or built, any edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, which requires location on the ground or is attached to something having a location on the ground, including swimming and wading pools and covered patios, excepting outdoor areas such as paved areas, walks, tennis courts, and similar recreation areas.
512. **STRUCTURE, ADVERTISING** shall mean the same as "advertising structure".
513. **STRUCTURAL ALTERATION** shall mean any change in the support members of a building, such as in a bearing wall, column, beam or girder, floor or ceiling joists, roof rafters, roof diaphragms, foundations, piles, or retaining walls or similar components.
514. **SUBDIVISION** shall mean 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 another instrument.
515. **SURFACE WATER CLASS A – PRIMARY CONTACT RECREATION** shall mean surface waters which are used or have a high potential to be used for primary contact recreational activities. Primary contact recreation includes activities where the body may come into prolonged or intimate contact with the water, such that water may be accidentally ingested and sensitive body organs (e.g., Eyes, ears, nose, etc.) may be exposed. Although the water may be accidentally ingested, it is not intended to be used as a potable water supply unless acceptable treatment is supplied. These waters may be used for swimming, water skiing, canoeing, and similar activities.
516. **SURFACE WATERS** shall mean all waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, wetlands, watercourses, waterways, springs, canal systems, drainage systems, and all other bodies or accumulations of water, natural or artificial, public or private, situated wholly or partly within or bordering upon the state.
517. **SWIMMING POOL** shall mean a structure, and all appurtenant equipment, constructed either above or below grade with a depth of at least 18 inches utilized for the purposes of swimming, diving, or wading.
518. **TANNING SPA or SALON** shall mean any business that uses artificial lighting systems to produce a tan on an individual's body. These facilities may be either a stand-alone business or as an accessory use in spas, gymnasiums, athletic clubs, health clubs, and styling salons. This use is not included with any type of adult establishment.

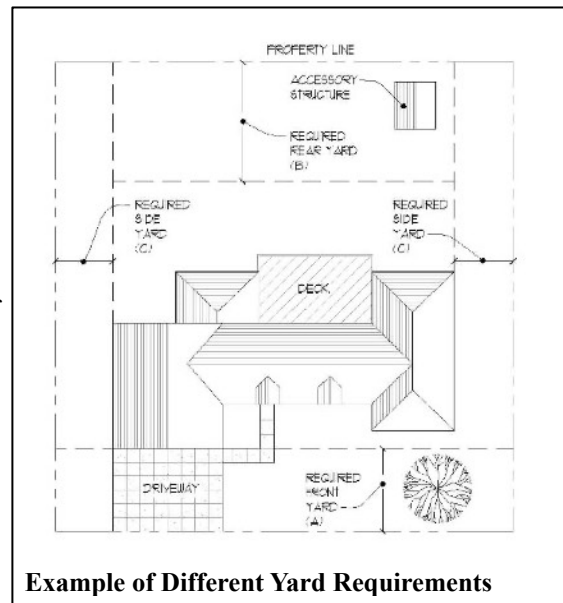
519. **TATOO PARLOR / BODY PIERCING STUDIO** shall mean an establishment whose principal business activity is the practice of tattooing and/or piercing the body of paying customers.
520. **TAVERN** (See Bar.)
521. **TELECOMMUNICATIONS FACILITY** shall mean any facility that transmits and/or receives signals by electromagnetic or optical means, including antennas, microwave dishes, horns, or similar types of equipment, towers or similar structures supporting such equipment, and equipment buildings.
522. **TELEPHONE EXCHANGE** shall mean a building used exclusively for the transmission and exchange of telephone messages, but the term shall not include wireless communications towers.
523. **TEMPORARY STRUCTURE** shall mean 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.
524. **TEMPORARY TREE PROTECTION DEVICES** shall mean structural measures, such as fencing or berms, installed prior to construction for the purpose of preventing damage to trees during construction.
525. **TEMPORARY USE** shall mean a use intended for limited duration, not to exceed six months, to be located in a zoning district not permitting such use.
526. **THEATER** shall mean a building or structure used for dramatic, operatic, motion pictures, or other performance, for admission to which entrance money is received and no audience participation or meal service.
527. **TOTAL FLOOR AREA** is the area of all floors including finished attics, basements, and other areas where floor to ceiling height is not less than six feet.
528. **TOWER** shall mean a structure situated on a site that is intended for transmitting or receiving television, radio, or telephone communications. (Also, see Antenna.)
529. **TOWNHOUSE** shall mean a one-family dwelling unit, with a private entrance, which part of a structure whose dwelling units are attached horizontally in a linear arrangement and having a totally exposed front and rear wall to be used for access, light, and ventilation.
530. **TRACT** is any parcel, lot area or piece of property in or within one mile of the corporate limits of North Bend, Nebraska.
531. **TRAILER, AUTOMOBILE** shall mean a vehicle without motive power, designed and constructed to travel on the public thoroughfares and to be used for human habitation or for carrying property, including a trailer coach.
532. **TRAILER CAMP** is any site, lot, parcel or tract of land which is improved, used, or intended to provide a location for the servicing or temporary accommodation of one or more trailers which are used for travel, camping, or recreational purposes.
533. **TRANSPORTATION SERVICES** shall mean establishments providing services incidental to transportation, such as forwarding, packing, crating, or other means of preparing goods for shipping.
534. **TRANSFER STATION (REFUSE)** shall mean any enclosed facility where solid wastes, trash, or garbage is transferred from one vehicle or rail car to another or where solid wastes, trash, or garbage is stored and consolidated before being transported for disposal elsewhere.
535. **TRUCK REPAIR** shall mean the repair, including major mechanical and body work, straightening of body parts, painting, welding, or other work that may include noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in gasoline service stations, of trucks having a hauling capacity of over one ton and buses but excluding pickups and other vehicles designed for the transport of under eight passengers.
536. **TRUCK TERMINAL** shall mean a building or an area in which freight brought by truck is assembled and/or stored for routing or reshipment, or in which semi-trailers, including tractor and/or trailer units and other trucks are parked or stored for a short time period.

537. **UPZONING** shall mean a change in zoning classification of land to a more intensive or less restrictive district such as from residential district to commercial district or from a single family residential district to a multiple family residential district.
538. **USE** shall mean the purpose or activity for which land or buildings are designed, arranged, or intended or for which land or buildings are occupied or maintained.
539. **USE, ACCESSORY** (see Accessory Use)
540. **USE, BEST** shall mean 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.
541. **USE, HIGHEST** shall mean 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.
542. **USE, PERMITTED** shall mean any land use allowed without condition within a zoning district.
543. **USE, PROHIBITED** shall mean any use of land, other than non-conforming, which is not listed as a permitted use or conditional use within a zoning district.
544. **USE, PRINCIPAL** shall mean the main use of land or structure, as distinguished from an accessory use. (Also, see Building, Principal.)
545. **USED MATERIALS YARD** shall mean any lot or a portion of any lot used for the storage of used materials. This shall not include "Junk Yards" or "Automobile Wrecking Yards".
546. **UTILITARIAN STRUCTURE** shall mean a structure or enclosure relating to mechanical or electrical services to a building or development.
547. **UTILITY EASEMENT** shall mean the same as "Easement".
548. **UTILITY HARDWARE** shall mean devices such as poles, crossarms, transformers and vaults, gas pressure regulating assemblies, hydrants, and buffalo boxes that are used for water, gas, oil, sewer, and electrical services to a building or a project.
549. **UTILITIES, OVERHEAD OR UNDERGROUND "LOCAL DISTRIBUTION" SYSTEM OF** shall mean the local service distribution circuit or lines and related appurtenances served from a substation, town border station, reservoir, or terminal facility which is served from a main supply line, main transmission line, or main feeder line as may be applicable to electric, communications, gas, fuel, petroleum, fertilizer, or other chemical utilities. Local electric distribution systems shall be limited to include all lines and appurtenances carrying a primary voltage of less than 161 KV from an electric transformer substation to the consumer. The local telephone distribution system shall be limited to include the local exchange lines, the local toll lines, and the local communications equipment facilities structure.
550. **UTILITIES, OVERHEAD OR UNDERGROUND "TRANSMISSION LINE, SUPPLY LINE, WHOLESALE CARRIER OR TRUNK LINE, MAIN FEEDER LINE"**, or other applicable designation shall mean the main supply or feeder line serving a local distribution system of utilities and shall include but is not limited to pumping stations, substations, regulating stations, generator facilities, reservoirs, tank farms, processing facilities, terminal facilities, towers, and relay stations, and treatment plants.
551. **UTILITY SERVICE** shall mean any device, including wire, pipe, and conduit, which carries gas, water, electricity, oil and communications into a building or development.
552. **VARIANCE** shall mean a relief from or variation of the provisions of this Ordinance, other than use regulations, as applied to a specific piece of property, as distinct from rezoning. A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district.

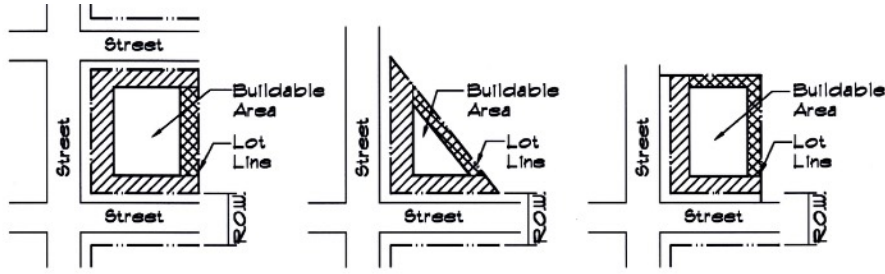
553. **VEGETATION** shall mean all plant life; however, for purposes of this Zoning Regulation it shall be restricted to mean trees, shrubs, and vines.
554. **VEHICLE** shall mean every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved solely by human power or used exclusively upon stationary rails or tracks.
555. **VEHICLE, MOTOR** (See Motor Vehicle.)
556. **VETERINARY SERVICES** shall mean a building or part of a building used for the care, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those who are in need of medical or surgical attention. Such clinics may or may not also provide long-term lodging for ill or unwanted animals or lodging for healthy animals on a fee basis. Such clinics may or may not also provide general grooming practices for such animals.
557. **VIEW** shall mean a range of sight including pleasing vistas or prospects or scenes. Views include but are not limited to the sight of geologic features, water, skylines, bridges, and distant cities.
558. **VIEW CORRIDOR** shall mean 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.
559. **VIEW PROTECTION REGULATIONS** shall mean the regulations that protect the view of or from particular points, usually via height limitations.
560. **VISUAL IMPACT** shall mean a modification or change that could be either compatible or incompatible with the scale, form, texture, or color of the existing natural or man-made landscape.
561. **VISUAL OBSTRUCTION** shall mean any fence, hedge, tree, shrub, wall or structure exceeding two feet in height, measured from the crown of intersecting streets, alleys or driveways, which limit the visibility of persons in motor vehicles on said streets, alleys, or driveways. This does not include trees kept trimmed of branches below a minimum height of eight feet.
562. **VOCATIONAL OR SPECIAL TRAINING FACILITIES** shall mean a specialized instructional establishment that provides on-site training of business, commercial, and/or trade skills such as accounting, data processing, and computer repair. This classification excludes establishments providing training in an activity that is not otherwise permitted in the zone. Incidental instructional services in conjunction with another primary use shall not be included in this definition. (See also School, Trade)
563. **WAREHOUSE** shall mean a building used primarily for the storage of goods and materials.
564. **WAREHOUSE AND DISTRIBUTION** shall mean a use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment.
565. **WASTEWATER LAGOON** (See Lagoon.)
566. **WATERS OF THE STATE** shall mean 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.
567. **WETLAND** shall mean 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.
568. **WHOLESALE ESTABLISHMENT** shall mean an establishment for the on-premises sales of goods primarily to customers engaged in the business of reselling the goods.
569. **WHOLESALE TRADE** shall mean a use primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. The principal types of establishments included are: Merchant wholesalers; sales branches and sales offices (but not retail stores) maintained by manufacturing enterprises apart from their plants for the purpose of marketing their products; agents, merchandise or commodity brokers, and commission merchants; petroleum bulk storage, assemblers, buyers, and associations engaged in

cooperative marketing of farm products. The chief functions of uses in wholesale trade are selling goods to trading establishments, or to industrial, commercial, institutional, farm and professional; and bringing buyer and seller together. In addition to selling, functions frequently performed by wholesale establishments include maintaining inventories of goods; extending credit; physically assembling, sorting and grading goods in large lots, breaking bulk and redistribution in smaller lots; delivery; refrigeration; and various types of promotion such as advertising and label designing.

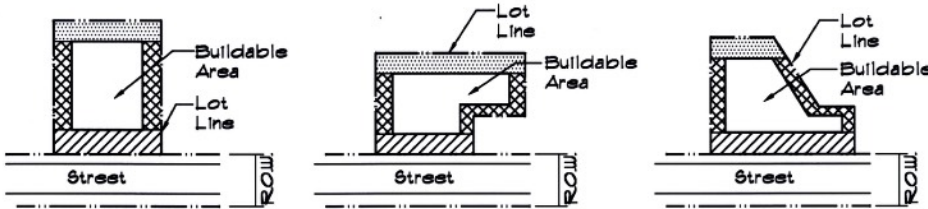
570. **WILDLIFE** shall mean animals or plants existing in their natural habitat.
571. **WIND ENERGY SYSTEM** shall mean a wind-driven machine that converts wind energy into electrical power for the primary purpose of resale or off-site use. (See Section 8.14 for Wind Energy Conversion Systems)
572. **WIRELESS COMMUNICATIONS TOWER** shall mean a structure designed and constructed to support one or more antennas used by commercial wireless telecommunication facilities and including all appurtenant devices attached to it. A tower can be freestanding (solely self-supported by attachment to the ground) or supported (attached directly to the ground with guy wires), of either lattice or monopole construction. (See Section 8.07)
573. **YARD** shall mean any open space on the same lot with a building or a dwelling group, which open space is unoccupied and unobstructed from the ground upward to the sky, except for building projections or for accessory buildings or structures permitted by this ordinance.
574. **YARD, FRONT** shall mean a space between the front yard setback line and the front lot line or highway setback line and extending the full width of the lot.
575. **YARD, REAR** shall mean a space between the rear yard setback line and the rear lot line, extending the full width of the lot.
576. **YARD, SIDE** shall mean a space extending from the front yard, or from the front lot line where no front yard is required by this ordinance, to the rear yard, or rear lot line, between a side lot line and the side yard setback line.
577. **YARD, STREET SIDE** is a yard that occurs at a corner lot. The Street Side Yard is adjacent to the public right-of-way and perpendicular to the established Front Yard. Special setback requirements may be present in this yard condition.
578. **ZONED LOT** see Lot, Zoning.
579. **ZONING ADMINISTRATIVE OFFICER** shall mean the person or persons authorized and empowered by the City to administer and enforce the requirements of this Ordinance.
580. **ZONING DISTRICT** shall mean the same as "District".
581. **ZONING DISTRICT, CHANGE OF** shall mean the legislative act of removing one or more parcels of land from one zoning district and placing them in another zoning district on the zone map of the City.
582. **ZONING PERMIT** is a written statement issued by the zoning administrator authorizing buildings, structures, or uses in accordance with the provisions of this ordinance.
583. **ZOO** shall mean an area, building, or structure which contain wild animals on exhibition for viewing by the public.
584. **ZOO ANIMALS** shall mean those animals that are kept in either a zoo or private zoo which are not native to Nebraska or the Great Plains region.
585. **ZOO, PRIVATE** shall mean any lot, building, structure, enclosure, or premises whereupon or wherein are kept by any person, other than a municipal corporation, the United States, the state, or any other



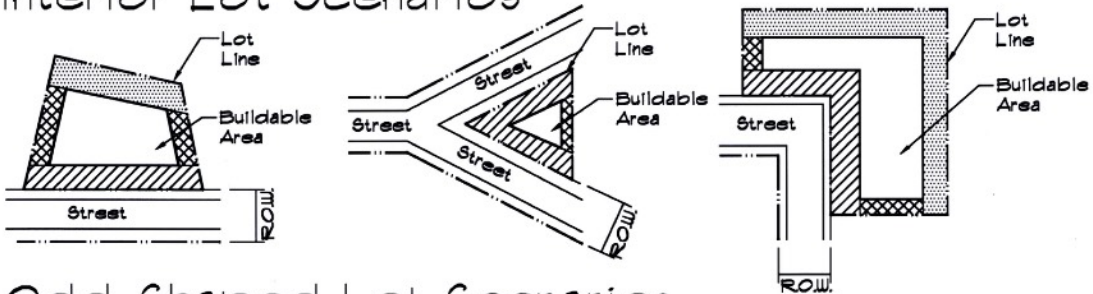
political subdivision thereof, two or more wild animals, whether such keeping is for pleasure, profit, breeding, or exhibiting, and including places where two or more wild animals are boarded, kept for sale or kept for hire.



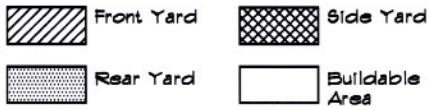
Corner Lot Scenarios



Interior Lot Scenarios



Odd-Shaped Lot Scenarios



Example of possible Lot Configurations and Yard Requirements

ARTICLE 3: DISTRICTS AND OFFICIAL MAP

Section 3.01 Districts

In order to regulate and restrict the height, location, size and type of buildings, structures and uses allowed on land in the City and the area within the prescribed extraterritorial jurisdiction of the City as allowed under Nebraska Revised Statutes and the City is hereby divided into districts.

Section 3.02 Provision for Official Zoning Map

3.02.01 The City is hereby divided into districts, as shown on the Official Zoning Map, which, together with all explanatory matters 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 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 3.02 of Ordinance No. _____ of the City of North Bend, Nebraska", together with the date of the adoption of this Ordinance.

If, in accordance with the provisions of this Ordinance, changes are made in the district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the City Council.

3.02.02 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. 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. The new Official Zoning Map shall be identified by the signature of the Mayor attested by 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 _____ Ordinance No. _____ of the City of North Bend, Nebraska."

Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

ARTICLE 4: GENERAL PROVISIONS

Section 4.01 Planning Commission Recommendations

Pursuant to Section §19-901 et. seq., (Nebraska Reissue Revised Statutes, 1943), it shall be the purpose of the Planning Commission to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein.

The Commission shall make a preliminary report and hold public hearings thereon before submitting its final report, and the City Council shall not hold its public hearings or take action until it has received the final report of the Commission.

Section 4.02 District Regulations, Restrictions, Boundary Creation

No such regulation, restriction, or boundary shall become effective until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearings shall be given by publication thereof in a paper of general circulation in the City at least one time 10 days prior to such hearing.

Section 4.03 Jurisdiction

The provisions of this Ordinance shall apply within the corporate limits of the City of North Bend, Nebraska, and within the territory beyond said corporate limits as prescribed under Nebraska Revised Statutes, as established on the map entitled "The Official Zoning Map of the City of North Bend, Nebraska", and as may be amended by subsequent annexation.

Section 4.04 Provisions of Ordinance Declared to be 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. Whenever the provisions of this Ordinance require a lower height of building or lesser size of yards, courts or other spaces, or require a lower height of building or lesser number of stories or require a greater percentage of lot to be left unoccupied or impose other higher standards than are required in any other ordinance, the provisions of this Ordinance shall govern. Wherever the provision of any other ordinance requires a greater width or size of yards, courts, or other open spaces, or requires a lower height of building or a lesser number of stories or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by the provisions of this Ordinance, the provisions of such ordinance shall govern.

Section 4.05 Zoning Affects Every Building and Use

No building or land shall hereafter be reused and no building or part thereof shall be erected, moved or altered unless for a use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located, except that any structure damaged or destroyed may be restored if such structure does not involve a non-conforming use.

Section 4.06 Lot

1. Every building hereafter erected, reconstructed, converted, moved or structurally altered shall be located on a lot or lot of record and in no case shall there be more than one principal building on a lot unless otherwise provided.
2. More than one principal building of a single permitted use may be located upon a lot or tract in the following instances if approved by the City Council.
 1. Institutional buildings
 2. Public or semi-public buildings
 3. Multiple-family dwellings
 4. Commercial or industrial buildings
 5. Home for the aged
 6. Agricultural buildings

Section 4.07 Reductions in Lot Area Prohibited

No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of this Ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

Section 4.08 Obstructions to Vision at Street Intersections Prohibited

In all districts except Central Business, on a corner lot, within the area formed by the center line of streets at a distance of 60 feet from their intersections, there shall be no obstruction to vision between a height of two and one-half feet and a height of 10 feet above the grades of the bottom of the curb of the intersecting streets, measured from the point of intersection of the centerline of the streets. At the intersection of major or arterial streets, the 60-foot distance shall be increased to 90 feet for each arterial leg of the intersection. The requirements of this section shall not be deemed to prohibit any necessary retaining wall.

Section 4.09 Yard Requirements

1. Yard requirements shall be set forth under the Schedule of Lot, Yard, and Bulk Requirements for each zoning district. Front, side and rear yards shall be provided in accordance with the regulations hereinafter indicated and shall be unobstructed from the ground level to the sky, except as herein permitted.
2. All accessory buildings that are attached to principal buildings (e.g., attached garages) shall comply with the yard requirements of the principal building, unless otherwise specified.
3. The City may permit a variation in front yard setbacks to allow new or relocated structures to conform to the average existing setback provided that 1.) more than 50 percent of the frontage on one side of a street between intersecting streets is occupied by principal structures on the effective date of this Ordinance, 2.) a minority of such structures have observed or conformed to an average setback line, and 3.) such structure does not violate the required sight triangle.
4. Any side or rear yard in a residential district which is adjacent to any existing industrial or commercial use shall be no less than twenty-five (25) feet and shall contain landscaping and planting suitable to provide effective screening.
5. Any yard for commercial or industrial use which is adjacent to any residential use or district shall be increased to forty (40) feet and shall contain landscaping and planting suitable to provide effective screening. Included in the increased yard, a solid or semi-solid fence or wall at least six (6) feet, but not more than eight (8) feet high shall be provided adjacent to an adjoining residential district unless the adjacent residential district and industrial district are separated by a street right-of-way. Said fence or wall shall be maintained in good condition by the owner or owners of the property in the Industrial District. Said fencing shall be constructed of commercially available fencing

Section 4.10 Through Lots

1. Through Lots shall follow the following criteria:
 1. Where a Through Lot abuts a major thoroughfare, such as Highway 30 or Highway 79, 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 4.10.01 (1), 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 to 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 Rear Yard setback within the zoning district. This shall apply similarly to 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 4.11 Drainage

No building, structure, or use shall be erected on any land, and no change shall be made in the existing contours of any land, including any change in the course, width, or elevation of any natural or other drainage channel, which will obstruct, interfere with, or substantially change the drainage from such land to the detriment of neighboring lands. Anyone desiring to build or otherwise change the existing drainage situation shall be responsible for providing to the City or their designated agent with data indicating that such changes will not be a detriment to the neighboring lands.

Section 4.12 Permitted Obstructions in Required Yards

The following shall not be considered to be obstructions when located in the required yards:

1. *All Yards:* Steps and accessibility ramps used for wheelchair and other assisting devices which are four feet or less above grade which are necessary for access to a permitted building or for access to a lot from a street or alley; chimneys projecting 24 inches or less into the yard; recreational and laundry-drying equipment; approved freestanding signs; arbors and trellises; flag poles; window unit air conditioners projecting not more than 18 inches into the required yard; and fences or walls subject to applicable height restrictions, cantilevers and/or fireplaces not more than 24 inches into the required yard, are permitted in all yards.
2. *Front Yards:* Bay windows projecting three feet or less into the yard are permitted.
3. *Rear and Side Yards:* Open off-street parking spaces or outside elements of central air conditioning systems.
4. *Double Frontage Lots:* The required front yard shall be provided on each street, unless otherwise provided.
5. *Building Groupings:* For the purpose of the side yard regulation a group of business or industrial buildings separated by a common party wall shall be considered as one building occupying one lot.

Section 4.13 Accessory Building and Uses

- 4.13.01 *No accessory building shall be constructed upon a lot until after construction of the principal building has begun, except in the TA Transitional Agriculture District. Such construction of the principal building shall mean at least the completion of a foundation. No accessory building shall be used unless the main building on the lot is also being used or unless the main building is under construction, except in the TA Transitional Agriculture District; however, in no event shall such building be used as a dwelling unless a certificate of occupancy shall have been issued for such use. (Ord. No. 517, Sept. 4, 2012)*
- 4.13.02 No detached accessory building or structure shall exceed the maximum permitted height of the district, except in the TA Transitional Agriculture District, or otherwise restricted.
3. No accessory building shall be erected in or encroach upon the required street side yard on a corner lot or the front yard of a double frontage lot.
 4. Detached accessory buildings or structures shall be located no closer than 10 feet to any other accessory or principal building.
 5. All accessory buildings, regardless of zoning district, shall be subordinate to the principal building with regard to size and building footprint except in the TA Transitional Agriculture Districts.
 6. All accessory buildings shall be to the rear of the principal structure unless otherwise specified.
 7. Detached garages and outbuildings in Residential Districts for storage uses and other structures customary and appurtenant to the permitted uses shall be constructed of materials customarily used in residential construction and be consistent with materials and color of the principal structure. The sidewalls of said building shall not exceed 10 feet in height.
 8. The side or rear yard setback for an accessory structure having vehicular access through said yard to an alley, public street, private road, or ingress/egress easement shall be a minimum of 15 feet.
- 4.13.09 Regulation of accessory uses shall be as follows:
1. Except as herein provided, no accessory building shall project beyond a required yard line along any street.
 2. Service station pumps and pump island may occupy the required yards, provided, however, that they are not less than 15 feet from street lines.
 3. Storage of an unlicensed (boat, boat trailer, camp trailer, or another vehicle) shall not be permitted in any required yard.

Section 4.14 Permitted Modifications of Height Regulations

4.14.01 The height limitations of this Ordinance shall not apply to:

Belfries	Public Monuments
Chimneys	Ornamental Towers and Spires
Church Spires	Radio and Television Towers less than 125 feet in height
Conveyors	Silos
Cooling Towers	Smokestacks
Elevator Bulkheads	Stage Towers or Scenery Lots
Fire Towers	Tanks
Water Towers and Standpipes	Air-Pollution Prevention Devices
Flag Poles	

- 4.14.02 When permitted in a district, public or semi-public service buildings, hospitals, institutions, or schools may be erected to a height not exceeding 75 feet when each required yard line is increased by at least one foot for each one foot of additional building height above the height regulations for the district in which the building is located.

Section 4.15 Occupancy of Basements and Cellars

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

Section 4.16 Non-Conforming, General Intent

It is the intent of this ordinance to permit lawful non-conformities to continue until they are removed, but not encourage their survival. Such uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. 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 district except as may be authorized in this ordinance.

Section 4.17 Non-conforming Lots of Record

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provision of this ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both that are generally applicable in the district provided that the yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located; that such lot has been owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size and width at such location would have been lawful; and has remained in separate and individual ownership from adjoining lots or tracts of land continuously during the entire period in which this or previous ordinance would have prohibited creation of such lot. Variance of area, width and yard requirements shall be obtained only through the action of the Board of Adjustment.

Section 4.18 Non-conforming Structures

- 4.18.01 **Authority to continue:** Any structure which is devoted to a use which is permitted in the zoning district in which it is located, but which is located on a lot which does not comply with the applicable lot size requirements and/or the applicable bulk regulations, may be continued, so long as it remains otherwise lawful, subject to the restrictions of this section.
2. **Enlargement, Repair, Alterations:** Any such structure described in Section 4.19.01 may be enlarged, maintained, repaired or remodeled, provided, however, that no such enlargement, maintenance, repair or remodeling shall either create any additional nonconformity or increase the degree of existing nonconformity of all or any part of such structure, except that as to structures located on a lot that does not comply with the applicable lot size requirements, the side yard requirements shall be in conformance with this section, and unless otherwise permitted by or as specified in the Residential District. All enlargements shall meet all existing required setbacks unless provided elsewhere in this Ordinance.
 3. **Damage or Destruction:** In the event that any structure described in Section 4.19.01 is damaged or destroyed, by any means, to the extent of more than 50 percent of its structural value, such structure shall not be restored unless it shall thereafter conform to the regulations for the zoning district in which it is located; provided that structures located on a lot that does not comply with the applicable lot size requirements in Section 4.18, shall not have a side yard of less than five feet. When a structure is damaged to the extent of less than 50 percent of its structural value, no repairs or restoration shall be made unless a building permit is obtained and restoration is actually begun within one year after the date of such partial destruction and may be extended six months upon an approved building Permit extension request.
 4. **Moving:** No structure shall be moved in whole or in part for any distance whatever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.

Section 4.19 Non-conforming Uses

- 4.19.01 **Non-conforming Uses of Land:** Where at the effective date of adoption or amendment of this ordinance, lawful use of land exists that is made no longer permissible under the terms of this ordinance as enacted or amended, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:
1. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance;
 2. No such non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this ordinance;
 3. If any such non-conforming use of land ceases for any reason for a period of more than 12 consecutive months, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.
- 4.19.02 **Non-conforming Uses of Structures:** If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of this ordinance, which would not be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful subject to the following provisions:

1. No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to use permitted in the district in which it is located;
2. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance but no such use shall be extended to occupy any land outside such building;
3. If no structural alterations are made, any non-conforming use of a structure or structures and premises may be changed to another non-conforming use provided that the Planning Commission and City Council, after each has completed a Public Hearing as per State Statute, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Planning Commission and/or City Council may require appropriate conditions and safeguard in accord with the provisions of this ordinance;
4. Any structure, or structure and land in combination, in any or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located and the non-conforming use may not thereafter be resumed;
5. When a non-conforming use of a structure or structure and premises in combination is discontinued or abandoned for 12 consecutive months, the structure or structure and premises in combination shall not thereafter be used except in conformance with the regulations of the district in which it is located;
6. Where non-conforming use status is applied to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming statutes of the land.

Section 4.20 Repairs and Maintenance

- 4.20.01 On any building devoted in whole or in part to any non-conforming use, work may be done in any period of 12 consecutive months on ordinary repairs or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing provided that the cubic content of the building as it existed at the time of passage of amendment of this ordinance shall not be increased.
2. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

Section 4.21 Uses under Conditional Use Permit not Non-conforming Uses

Any use for which a conditional use permit is issued as provided in this ordinance shall not be deemed a non-conforming use but shall without further action be deemed a conforming use in such district.

Section 4.22 Public Safety Radio Amplification Systems

- 4.22.01 **General:** Except as otherwise provided, no person shall maintain, own, erect, construct, remodel, renovate, or provide an addition of more than 20 percent to, any building or structure or any part thereof or cause the same to be done which fails to support adequate radio coverage for the Dodge County Radio Communications System (SCRCS), including but not limited to emergency service workers, firefighters and police officers. Descriptively, adequate coverage means the ability for SCRCS users to transmit into the building an intelligible voice signal that may be heard; the ability to receive an intelligible voice signal transmitted and originating from within the building; and the ability to transmit and receive intelligible voice signals among users who are within the building.

For purposes of this section, adequate radio coverage shall include all of the following:

1. A minimum received signal strength in the building of one micro volts (-107 dBm) available in 90 percent of the area of each floor when transmitted from the SCRCs;
2. A minimum signal strength of one micro volts (-107 dBm) received by the SCRCs when transmitted from 90 percent of the area of each floor of the building;
3. The frequency range that must be supported shall be 806 MHz to 869 MHz; and,
4. A 90 percent reliability factor shall be required.

4.22.02 **Testing Procedures:** Initial Tests; It will be the building owner's responsibility to have the building tested to ensure that two-way coverage on each floor of the building is a minimum of 90 percent. At a minimum, the test shall be conducted using a Motorola MTS 2000, or equivalent portable radio, talking through the SCRCs. Radios may be obtained for conducting the tests from the Dodge County Communications Department (SCCD). The gain values of all amplifiers shall be measured and the test measurement results shall be provided to the SCCD and kept on file so that the measurements can be verified each year during the annual tests. The SCCD will be informed of the schedule for such testing, and, at its discretion may participate as an observer. A Certificate of Occupancy shall not be issued to any structure if the building fails to comply with this section. Annual Tests; the building owner shall be responsible for conducting annual tests. Such tests shall follow the guidance outlined in Section 4.23.01 and 4.23.02 above.

4.22.03 **Amplification Systems Allowed:** Buildings and structures that cannot support the required level of radio coverage shall be equipped with any of the following in order to achieve the required adequate radio coverage: a radiating cable system or an internal multiple antenna system with or without FCC accepted bi-directional amplifiers as needed. If used, bi-directional amplifiers shall include filters to reduce adjacent frequency interference at least 35 dB below the National Public Safety Planning Advisory Committee (NPSPAC) band. The filters shall be tuned to 825 MHz and to 870 MHz so that they will be 35 dB below the NPSPAC frequencies of 824 MHz and 869 MHz respectively. Other settings may be used provided that they do not attenuate the NPSPAC frequencies and further provided that they are not more than one MHz from the NPSPAC frequencies. If any part of the installed system or systems contains an electrically powered component, the system shall be capable of operating on an independent battery and/or generator system for a period of at least 12 hours without external power input. The battery system shall automatically charge in the presence of an external power input.

4.22.04 **Field Testing:** SCCD personnel, after providing reasonable notice to the owner or his representative, shall have the right to enter onto the property to conduct field testing to ensure the required level of radio coverage is present.

4.22.05 **Exemptions:** This section shall not apply to; buildings permitted in residential districts; any building constructed of wood frame; any building 35 feet high or less; long as none of the aforementioned buildings make use of any metal construction or any underground storage or parking areas. For purposes of this section, parking structures and stairwells are included in the definition of "building" and stair shafts are included in the definition of "all parts of a building", but elevators may be excluded.

Section 4.23 Bulk Regulations

The maintenance of yards and other open space and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located, as long as the building is in existence. Furthermore, no legally required yards, other open space, or minimum lot area allocated to any building shall by virtue or change of ownership or for any other reason, be used to satisfy yard, other open space, or minimum lot area requirements for any other building.

Section 4.24 Public Buildings Excepted

Nothing herein contained shall be construed as to prohibit or restrict the erection and maintenance of any City, Civic, or Public Building in any of the foregoing Districts or "zones", including all Residential Districts, and it is hereby expressly provided that the City of North Bend, Nebraska, may erect and maintain a public building in any said "Districts" without restriction, as herein provided for certain building-property owners.

Section 4.25 Recreational Vehicles

Major recreational equipment such as boats, boat trailers, travel trailers, pick-up campers or coaches, motor homes, camping buses or converted trucks, tent trailers and other similar vehicles shall not be stored in a residential district except within an enclosed building, behind the front yard setback, or in the side yard. In no case shall the Recreation Vehicle encroach onto any existing sidewalk or within an area where a future sidewalk would be constructed. Refer to Section 8.01 Off-Street Automobile Storage for additional regulations.

Section 4.26 Fees

All fees for any zoning or subdivision related action shall be required prior to the issuance or investigation of any said permit request. Fees shall be a part of the Master Fee Schedule adopted by the City Council by separate Ordinance.

Section 4.27 Prohibited Uses

All uses not specifically listed within a particular zoning district are deemed to be prohibited until some point where this Ordinance is amended to include a given use.

ARTICLE 5: ZONING DISTRICTS

5.01	Districts; Uses
5.02	Districts; Boundaries
5.03	District Boundaries; Interpretation
5.04	Districts; Classification of Districts upon Annexation and Conformance with Land Use Plan
5.05	District (TA); Transitional Agricultural
5.06	District (R-1); Low Density Residential
5.07	District (R-2); Medium to High Density Residential
5.08	District (R-3); Lake Side Residential
5.09	District (R-M); Residential Mobile Home
5.10	District (C-1); Highway Commercial
5.11	District (C-2); Downtown Commercial
5.12	District (C-3); General Commercial
5.13	District (F-1); Flex Space
5.14	District (I-1); Industrial
5.15	District (CMD) Clustered/Mixed Use
5.16	District (FF/FW); Flood Plain (Overlay)

Section 5.01 Districts; Use

For the purpose of this Ordinance, the Municipality is hereby divided into 11 districts, designated as follows:

(TA)	Transitional Agricultural
(R-1)	Low Density Residential
(R-2)	Medium Density Residential
(R-3)	Lake Side Residential
(R-M)	Residential Mobile Home
(C-1)	Highway Commercial
(C-2)	Downtown Commercial
(C-3)	General Commercial
(F-1)	Flex Space
(I-1)	Industrial
(CMD)	Clustered/Mixed Use
(FF/FW)	Flood Plain (Overlay)

Section 5.02 Districts; Boundaries

The boundaries of the districts are hereby established as shown on the maps entitled "Official Zoning Map of the City of North Bend, Nebraska." Said maps and all explanatory matter thereon accompany and are hereby made a part of this Ordinance as if fully written herein. The Official Zoning District Map shall be identified by the signature of the Mayor and attested by the City Clerk. No changes shall be made to the Zoning District Map except as may be required by amendments to this Ordinance. Such changes shall be promptly indicated on the Zoning District Map with the Ordinance number, nature of change, and date of change noted on the map. (Ref. §19-904 RS Neb.)

Section 5.03 Rules for Interpretation of District Boundaries

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

1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
3. Boundaries indicated as approximately following City limits shall be construed as following such City limits;
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
5. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;
6. Boundaries indicated as parallel to or extensions of features indicated in subsections 5.03.01 – 5.03.05 above shall be construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;
7. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections 5.03.01 – 5.03.06 above, the Board of Zoning Adjustment shall interpret the district boundaries;

8. Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, The Board of Zoning Adjustment may permit the extension of the regulations for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot.

Section 5.04 Classification of Districts Upon Annexation and Conformance with the Land Use Plan

Areas annexed into the corporate limits of North Bend shall be zoned to conform to the Land Use Plan.

Section 5.05 TA Transitional Agriculture

5.05.01 Intent: The Transitional Agriculture District is an area that is in the process of transitioning from full scale agriculture to more urban uses. The district is established for the purpose of preserving agricultural resources, during the transitional period, which are compatible with adjacent urban growth. It is not intended for commercial feedlot operations for livestock or poultry.

5.05.02 Permitted Uses:

The following principal uses are permitted in the TA District.

1. Farming, pasturing, truck gardening, orchards, greenhouses and nurseries, including the sale of products or animals raised on the premises, provided that:
 - A. No livestock feedlots shall be established.
 - B. There shall be a maximum of two animals for the first acre of land, with an additional one animal for every two additional acres of land.
 - C. There shall be no confinement of any livestock when adjacent to residential zoned property located within the corporate limits.
2. Raising and care of animals for 4-H, Future Farmer of America (FFA) or other rural/school organizations.
3. Farm dwellings for the owners and their families, tenants and employees.
4. Public parks and recreation areas, playgrounds and conservation areas including flood control facilities.
5. Railroads, not including switching, terminal facilities or freight yards.
6. Public overhead and underground local distribution utilities.
7. Churches.
8. Public services.
9. Publicly owned and operated facilities.
10. Roadside stands offering agriculture products for human consumption for sale on the premises.
11. Outdoor storage containers as per Section 8.17.

5.05.03 Conditional Uses:

The following uses are subject to any conditions listed in this Ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the TA District as recommended by the Planning Commission and City Council and approved by the City Council.

1. Single Family Dwellings
2. Garages for the storage, maintenance and repair of public vehicles.
3. Airports
4. Veterinarians offices and hospitals, and boarding kennels.
5. Radio, television and wireless communication towers and transmitters, as per Section 8.07.
6. Cemeteries, provided all structures are located at least 100 feet from all property lines.
7. Wastewater treatment facilities
8. Development of natural resources and the extraction of raw materials, such as rock, gravel, sand, and soil, subject to the conditions in Section 8.15.
9. Private recreation areas and facilities including country clubs, golf courses (but not miniature golf), and swimming pools.
10. Campgrounds.
11. Privately owned cabins and seasonal dwellings are subject to the floodplain and subdivision regulations.
12. Home Occupations I
13. Home Business
14. Family Child Care Home II
15. Hospitals, nursing homes, assisted living, and convalescent facilities.
16. Public and private schools and colleges.
17. Commercial kennels and facilities for the raising and boarding of dogs and other small animals, including, exotic, non-farm and non-domestic animals, provided that all buildings and facilities are at least one hundred (100) feet from the property line and three hundred (300) feet from any neighboring residence.
18. Stables and riding academies.
19. Construction batch plants that are temporary in nature.
20. Commercial Wind Energy Conversion Systems, as per Section 8.14.
21. Bed and breakfast residence subject to the following conditions;
 - A. The bed and breakfast residence shall be within a conforming single-family dwelling.
 - B. Guest rooms shall be within the principal residential building only and not within an accessory building.
 - C. Each room that is designated for guest occupancy must be provided with a smoke detector that is kept in good working order.

- D. Two (2) off-street parking spaces shall be provided for each dwelling unit plus one (1) off-street parking space for each sleeping room designated for guests. Such parking areas shall not be within the required front or side yards.
- E. One (1) identification sign on not more than four (4) square feet of the sign area shall be permitted.

5.05.04 Permitted Accessory Uses:

1. Buildings and uses customarily incidental to the permitted and conditional uses, provided they are located to the rear or side of the primary structure.
2. Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
3. Signs as provided for in Article 7.
4. Parking as provided for in Sections 8.02-8.06.
5. Private swimming pool, tennis court and other similar facilities in conjunction with a residence.
6. Storage or parking of vehicles, boats, campers and trailers, as per Sections 4.25 and 8.01.
7. Incidental public safety uses such as emergency sirens.
8. Family Child Care Home I
9. Home occupations II
10. Amateur radio towers and associated facilities, as per Section 8.07.16
11. Residential Wind Energy Conversion System, as per Section 8.14.

5.05.05 Height and Lot Requirements:

1. The height and minimum lot requirements shall be as follows:

Uses	Lot Area (Acres)	Lot Width (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Max. Height (ft)	Max. Lot Coverage (%)
Residential Dwelling	5*	200	35	15	25	35	10%
Other Permitted Uses	5*	200	35	15	25	35	10%
Conditional Uses	5	200	35	15	25	35	10%
Accessory Buildings	-	-	35	15	15	15	5%**

* Excluding road R.O.W. except as herein exempted or on non-conforming lots of record.

** Total not to exceed 1,500 sq. ft. for non-agricultural uses where total lot coverage of all structures does not exceed 15 percent.

Section 5.06 R-1 Low Density Residential

5.06.01 Intent: The Low Density Residential District is intended to provide for larger lot residential and compatible uses while maintaining reserve land for planned expansion of intense urban development; to facilitate planned extension of municipal services; and to permit residential use of land where, unstable land, or other natural land features, intensive development is not in the best public interest.

5.06.02 Permitted Uses:

The following principal uses are permitted in the R-1 District.

1. Single family dwellings.
2. Two family, duplex, dwellings.
3. Public and private schools.
4. Public Services.
5. Publicly owned and operated facilities including fire stations, libraries and community centers.
6. Family Childcare home I
7. Public parks and recreation areas, playgrounds and conservation areas including flood control facilities.

5.06.03 Conditional Uses:

The following uses are subject to any conditions listed in this Ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the R-1 District as recommended by the Planning Commission and City Council and approved by the City Council.

1. Townhomes
2. Hospitals, sanitariums, rest homes, nursing homes, elderly or retirement housing, convalescent homes, other similar institutions, or philanthropic institutions.
3. Churches and religious institutions, including residences for pastors and teachers.
4. Cemeteries
5. Mortuaries, funeral homes, and funeral chapels
6. Public and quasi-public uses of an educational or religious type including public and parochial elementary schools, junior and senior high schools and colleges; nursery schools, and private nonprofit schools.
7. Private recreation areas and facilities, including country clubs, golf courses, and swimming pools.
8. Home occupations I, as per Section 8.06
9. Home business
10. Child Care Center and Family Child Care Home II
11. Seasonal offering for sale of agriculture products produced on the premises.
12. Public utility main transmission lines include substations, distribution centers, regulator stations, pumping stations, treatment facilities, storage, equipment buildings, garages, towers, or similar public service uses.
13. Overhead and underground utility main transmission lines including but not limited to power, telephone, gas, fuel, or fertilizer lines, substations, terminal facilities, and reservoirs.
14. Radio, television and communication towers and transmitters.
15. Bed and breakfast residence subject to the following conditions;
 - A. The bed and breakfast residence shall be within a conforming single-family dwelling.
 - B. Guest rooms shall be within the principal residential building only and not within an accessory building.
 - C. Each room that is designated for guest occupancy must be provided with a smoke detector that is kept in good working order.
 - D. Two (2) off-street parking spaces shall be provided for each dwelling unit plus one (1) off-street parking space for each sleeping room designated for guests. Such parking areas shall not be within the required front or side yards.
 - E. One (1) identification sign on not more than four (4) square feet of the sign area shall be permitted.

5.06.04 Permitted Accessory Uses:

The following accessory uses are permitted in the R-1 Single-Family Residential District:

1. Buildings and uses customarily incidental to the permitted uses.
2. Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
3. Private swimming pool, tennis court, and other recreational facilities in conjunction with a residence.
4. Parking for permitted uses as per Sections 8.02-8.06.
5. Signs allowed in Article 7.
6. Home Occupations II
7. Temporary buildings incidental to construction work where such building or structures are removed upon completion of work.
8. Landscaping as required by Article 9.
9. Incidental public safety uses such as emergency sirens.
10. Amateur radio towers and associated facilities, per Section 8.07.16.

5.06.05 Height and Lot Requirements:

1. The height and minimum lot requirements shall be as follows:

Uses	Lot Area (SF)	Lot Width (ft)	Front Yard (ft) **	Side Yard (ft)	Rear Yard (ft)	Street Side Yd. (ft) **	Max. Height (ft)	Max. Lot Coverage (%)
Single-family Dwelling	15,000	80	35	15	30	35	35	20
Other Permitted and Conditional Uses	15,000	80	35	15	30	35	35	20
Accessory Buildings	-	-	50***	5	10***	50***	15	10*

(Ord. No. 508, Sept. 20, 2011)

* Provided total area of accessory structure for residential use does not exceed 900 sq. ft. and the total lot coverage of all buildings does not exceed 30%.

** On Corner Lots the following criteria apply to setbacks. In existing developed areas, the Street Side Yard setback may conform to existing setbacks of existing structures along that street. In new developments, the Street Side Yard setback shall be equal to the Front Yard setback. Future development shall be defined as all new subdivisions created after 1999. Existing development shall be defined as existing prior to the adoption of zoning in 1999 and shall not include any replatting or lot splits done after the date of original adoption.

*** Accessory structures on lots with platted alley shall have a rear yard setback of five feet from the property line. The rear yard setback on lots with no platted alley shall have a 10 foot setback from the property line. Detached garages with a minimum eight foot by seven foot door can be placed even with the principal building but must meet the required front yard setback of 35 feet and must have a paved driveway with cement or asphalt, otherwise shall follow accessory building setback of 50 feet. **(Ord. No. 508, Sept. 20, 2011)**

Section 5.07 R-2 Medium to High Density Residential

5.07.01 Intent: The purpose of this district is to permit single-family density residential with an increase of density to include duplexes and similar residential development in areas providing all public facilities and supporting facilities to maintain a sound and pleasant environment for the inhabitants.

5.07.02 Permitted Uses:

The following principal uses are permitted in the R-2 District.

1. Single family detached dwellings
2. Single family attached dwellings (Maximum of four dwelling units per structure)
3. Two-family, duplex, dwellings
4. Family Child Care Home I
5. Public and private schools
6. Publicly owned and operated facilities
7. Public Services
8. Public parks and recreation areas, playgrounds and conservation areas including flood control facilities.
9. Churches, temples, seminaries, convents, including residences for teachers and pastors.

5.07.03 Conditional Uses:

The following uses are subject to any conditions listed in this Ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the R-2 District as recommended by the Planning Commission and City Council and approved by the City Council.

1. Hospitals, sanitariums, rest homes, nursing homes, elderly or retirement housing, convalescent homes, other similar institutions, or philanthropic institutions.
2. Public utility substations, distribution centers, regulator stations, pumping, treatment facilities, storage, equipment buildings, garages, towers, or similar uses.
3. Child Care Center
4. Family Child Care Home II
5. Home occupations I, as per Section 8.06
6. Home Business
7. Mortuaries, funeral homes and funeral chapels
8. Multi-family residential structures
9. Congregate housing
10. Emergency Shelters
11. Adult Care Center
12. Private recreation areas such as parks, country clubs, golf courses, lakes, common areas and swimming pool
13. Mobile homes, provided such homes are located in a mobile home park that is legal and existing prior to the adoption of this ordinance and meet the following provisions:
 - A. Individual mobile home lots shall have an area of not less than three thousand (3,000) square feet for single wide mobile homes and forty-five hundred (4,500) square feet for double wide mobile homes, and the total number of lots per gross acre shall not exceed seven (7).
 - B. A minimum of twenty-five (25) feet measured from any entrance, lean-to or other extension from said mobile home shall be maintained between mobile homes.
 - C. All mobile homes shall meet all applicable standards specified by Federal and State Regulations, be in constructed 15 years or less from the date of installation in the mobile home park, and be maintained as to not be a health or safety issue to the neighborhood. Mobile Homes greater than 15 years old are prohibited from being installed in Mobile Home Parks.
 - D. There shall be a minimum livable floor area of 500 square feet in each mobile home.
 - E. Individually owned lots on which mobile homes are placed may be purchased within an approved mobile home park if the owner wishes to sell.
 - F. The area of the mobile home shall be improved to provide an adequate and approved foundation for the placement and tie-down of the mobile home, thereby securing the superstructure against uplift, sliding, rotation, or overturning.
 - G. The mobile home shall be provided with anchors and tie-downs such as cast-in-place concrete "dead men," eyelets imbedded in concrete foundations or runways, screw augers, arrowhead anchors or other devices securing the stability of the mobile home. The tie-down devices shall be compatible with the foundation system provided for the mobile home such that the tie-downs are designed to resist the action of frost in the same manner as the foundation system.
 - H. Anchors and tie-downs shall be placed at least in each corner of the mobile home and at intervals not to exceed ten (10) feet and shall be able to resist the design wind pressures. Wheels shall not be for bearing pressures.
 - I. Anchoring of a mobile home shall meet the manufacturer's recommendations or the above as a minimum.
 - J. The skirting of all mobile homes is required. Such skirting shall not attach a mobile home permanently to the ground but shall be sufficient to withstand wind load requirements and shall

not provide a harborage for debris or rodents, nor create a fire hazard. Such skirting shall be provided with removable access panels sufficient to provide easy access to all utility connection points of the mobile home and its subsequent connection to the utility risers if they are located within the skirted area.

14. Bed and breakfast residence subject to the following conditions;
 - A. The bed and breakfast residence shall be within a conforming single-family dwelling.
 - B. Guest rooms shall be within the principal residential building only and not within an accessory building.
 - C. Each room that is designated for guest occupancy must be provided with a smoke detector that is kept in good working order.
 - D. Two (2) off-street parking spaces shall be provided for each dwelling unit plus one (1) off-street parking space for each sleeping room designated for guests. Such parking areas shall not be within the required front or side yards.
 - E. One (1) identification sign on not more than four (4) square feet of the sign area shall be permitted.

5.07.04 Permitted Accessory Uses:

1. Buildings and uses customarily incidental to the permitted uses. No accessory building shall exceed the ground floor coverage of the principal dwelling.
2. Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
3. Signs as provided for in Article 7
4. Parking as provided for in Sections 8.02-8.06.
5. Private swimming pool, tennis court, and other recreational facilities in conjunction with a residence.
6. Family Child Care Home I
7. Home Occupations II
8. Landscaping as required by Article 9.
9. Incidental public safety uses such as emergency sirens
10. Amateur radio towers and associated facilities, per Section 8.07.16

5.07.05 Height and Lot Requirements:

1. The height and minimum lot requirements shall be follows:

Uses	Lot Area (SF)	Lot Width (ft)	Front Yard (ft) **	Side Yard (ft)	Rear Yard (ft)	Street Side Yd. (ft) **	Max. Height (ft)	Max. Lot Coverage (%)
Single-family Dwelling (existing)	6,000	50	25	8	25	25	35	40
Single-family Dwelling (future development)	9,000	75	25	10	25	25	35	40
Two-family Dwelling	8,000	75	25	10	25	25	35	35
Three and Four Units (per dwelling unit)	4,000 per unit	75	25	10	25	25	35	35
Other Permitted and Conditional Uses ²	10,000	80	25	10	30	25	35	25
Accessory Buildings	-	-	50***	5	10***	50***	15	10*

(Ord. No. 508, Sept. 20, 2011)(Ord No. 553, Dec. 16, 2016)

* Provided total area of accessory structure for residential use does not exceed 900 sq. ft. and the total lot coverage of all buildings does not exceed 50%.

** On Corner Lots the following criteria apply to setbacks. In existing developed areas, the Street Side Yard setback may conform to existing setbacks of existing structures along that street. In new developments, the Street Side Yard setback shall be equal to the Front Yard setback. Future development shall be defined as all new subdivisions created after 1999. Existing development shall be defined as existing prior to the adoption of zoning in 1999 and shall not include any replatting or lot splits done after the date of original adoption.

*** Accessory structures on lots with platted alley shall have a rear yard setback of five feet from the property line. The rear yard setback on lots with no platted alley shall have a 10 foot setback from the property line. Detached garages with a minimum eight foot by seven foot door can be placed even with the principal building but must meet the required front yard setback of 25 feet and must have a paved driveway with cement or asphalt, otherwise shall follow accessory building setback of 50 feet. *(Ord. No. 508, Sept. 20, 2011)*

Section 5.08 R-3 Lake Side Residential

5.08.01 Intent: The Lake Side Residential District is intended to provide for residential and compatible uses while maintaining the character around sand pit and lake front development. The uses and regulations in this district are not intended to supersede any or all floodplain regulations by the State of Nebraska or the Federal government.

5.08.02 Permitted Uses:

The following principal uses are permitted in the R-3 District.

1. Single family detached dwellings.

5.08.03 Conditional Uses:

The following uses are subject to any conditions listed in this Ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the R-3 District as recommended by the Planning Commission and City Council and approved by the City Council.

1. Churches, temples, seminaries, and convents; including residences for pastors and teachers.
2. Private recreation areas and facilities; including lakes, ponds, country clubs, golf courses, and swimming pools.
3. Home occupation I.
4. Home Business

5.08.04 Permitted Accessory Uses:

1. Buildings and uses customarily incidental to the permitted uses.
2. Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
3. Signs as provided for in Article 7.
4. Parking as provided for in Sections 8.02-8.06.
5. Private swimming pool, tennis court, and other recreational facilities in conjunction with a residence.
6. Home Occupations II.
7. Landscaping as required by Article 9.
8. Family Child Care Home I.
9. Incidental public safety uses such as emergency sirens.

5.08.05 Height and Lot Requirements:

1. The height and minimum lot requirements shall be follows:

Uses	Lot Area	Lot Width (ft)	Front Yard (ft) **	Side Yard (ft)	Rear Yard (ft)***	Street Side Yard (ft) **	Max. Height (ft)	Max. Lot Coverage (%)
Single-family Dwelling	22,000****	100	25	10	25	25	35	20
Other Permitted and Conditional Uses	9,000 sq. ft.	75	25	10	25	25	35	20
Accessory Buildings	-	-	50*****	5	3	50*****	15	10*

* Provided total area of accessory structure for residential use does not exceed 900 sq. ft. and the total lot coverage of all buildings does not exceed 30%.

** On Corner Lots the following criteria apply to setbacks. In existing developed areas, the Street Side Yard setback may conform to existing setbacks of existing structures along that street. In new developments, the Street Side Yard setback shall be equal to the Front Yard setback. Future development shall be defined as all new subdivisions created after 1999. Existing development shall be defined as existing prior to the adoption of zoning in 1999 and shall not include any replatting or lot splits done after the date of original adoption.

*** When a residential lot, in this district, fronts on both a street, either private or public, and a sand pit water pond or lake, the rear yard setback may be reduced to point equal to the water provided that the floodplain elevations are met.

**** If subdivision or lot is connected to a centralized sewer and/or water system, the minimum lot area may be reduced to 10,000 square feet.

***** *Detached garages with a minimum eight foot by seven foot door can be placed even with the principal building but must meet the required front yard setback of 25 feet and must have a paved driveway with cement or asphalt, otherwise shall follow accessory building setback of 50 feet. (Ord. No. 508, Sept. 20, 2011)*

Section 5.09 R-M Residential Mobile Home District

5.09.01 Intent: The intent of the Mobile Home Residential District shall be to provide for mobile home dwellings on leased or owned property in areas where a mobile home court is appropriate, where such development is recognized as being in the best interests of the citizens and taxpayers of North Bend.

5.09.02 Permitted Uses: The following principal uses are permitted in the R-M Residential Mobile Home District.

1. Mobile home dwellings.
2. Single family dwelling.
3. Public school.
4. Private and public park, playground and recreational facilities.
5. Church, educational facilities and parish houses.

5.09.03 Conditional Uses: The following uses are subject to any conditions listed in this Resolution and are subject to conditions relating to the placement of said use on a specific tract of ground in the R-M Residential Mobile Home District.

1. Buildings and uses customarily incidental to the permitted uses.
2. Mobile Home Park, subject to regulations in Section 5.09.05 through 5.09.07 of this Section.
3. Nursery or daycare schools.
4. Utility installations such as electric substations, sewer lift stations, telephone exchanges, gas regulators and major transmission lines (not including utility office, repair, storage or production facilities).
5. Sewage disposal and water supply and treatment facilities.
6. Campgrounds.
7. Public buildings not including schools, parks and recreation facilities.
8. Family Child Care Home II
9. Home Business and Home Occupation I
10. Residential Wind Energy Conversion System.

5.09.04 Accessory Uses: The following accessory buildings and uses are permitted in the R-M District.

1. Accessory uses and structures normally appurtenant to the permitted uses and structures and to uses and structures permitted as conditional uses including decks, gazebos, gardens and small greenhouses.
2. Private swimming pools (above or below ground), tennis courts, and other recreational facilities in conjunction with a residence.
3. Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
4. Home occupation II.
5. Family Child Care Home I.
6. Signs as provided for in Article 7.
7. Parking as provided for in Sections 8.02-8.06.

5.09.05 Area, Lot and Structure Requirements:

1. A mobile home park shall have an area of not less than five acres. No mobile homes or other structures shall be located less than 90 feet from the street/road centerline when contiguous to or having frontage to a county road and 120 feet from the R.O.W. line when contiguous to or having frontage along a federal or state highway. The setbacks internally are listed below.
2. Open areas along entrances and contiguous to streets, county roads, federal highways, or state highways shall be landscaped.
3. The minimum lot width for a mobile home court shall be 200 feet.
4. There shall be a minimum livable floor area of 500 square feet in each mobile home.
5. A minimum of twenty-five (25) feet measured from any entrance, lean-to or other extension from said mobile home shall be maintained between mobile homes.
6. All mobile homes shall meet all applicable standards specified by Federal and State Regulations, be in constructed 15 years or less from the date of installation in the mobile home park, and be maintained as to not be a health or safety issue to the neighborhood. Mobile Homes greater than 15 years old are prohibited from being installed in Mobile Home Parks.
7. The area of the mobile home shall be improved to provide an adequate and approved foundation for the placement and tie-down of the mobile home, thereby securing the superstructure against uplift, sliding, rotation, or overturning.
8. The mobile home shall be provided with anchors and tie-downs such as cast-in-place concrete "dead men," eyelets imbedded in concrete foundations or runways, screw augers, arrowhead anchors or other devices securing the stability of the mobile home. The tie-down devices shall be compatible with the foundation system provided for the mobile home such that the tie-downs are designed to resist the action of frost in the same manner as the foundation system. Anchors and tie-downs shall be placed at least in each corner of the mobile home and at intervals not to exceed ten

- (10) feet and shall be able to resist the design wind pressures. Wheels shall not be for bearing pressures. Anchoring of a mobile home shall meet the manufacturer's recommendations or the above as a minimum.
9. The skirting of all mobile homes is required. Such skirting shall not attach a mobile home permanently to the ground but shall be sufficient to withstand wind load requirements and shall not provide a harborage for debris or rodents, nor create a fire hazard. Such skirting shall be provided with removable access panels sufficient to provide easy access to all utility connection points of the mobile home and its subsequent connection to the utility risers if they are located within the skirted area.
 10. Each lot provided for occupancy of a single mobile home shall meet the following minimum standards:

Uses	Min. Lot Area (sq. ft.)	Min. Lot Width (feet)	Setbacks			Max. Lot Coverage (%)	Max. Building Height (feet)
			Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)		
Permitted Uses	7,500	70*	30	25	8	25	35
Conditional Uses	7,500	70*	30	25	8	25	35
Accessory Uses	-	-	30	5	8	10	15

* When a lot is located on a cul-de-sac the minimum frontage shall be 45 feet at the property line.

5.09.06 Community Facilities:

1. Each lot shall have access to a hard surfaced private interior drive not less than 22 feet in width excluding parking.
2. City or community water and community sewage disposal facilities shall be provided with connections to each lot. The water supply shall be sufficient for domestic use and for fire protection.
3. Service buildings including adequate laundry and drying facilities and toilet facilities for mobile homes which do not have these facilities within each unit.
4. Not less than 8% of the total court area shall be designated and used for park, playground, and recreational purposes.
5. Storm shelters shall be required and shall meet the following criteria:
 - A. Shelter space equivalent to two persons per mobile home lot,
 - B. Designed in conformance with "National Performance Criteria for Tornado Shelters" by FEMA and any other referenced material by FEMA,
 - C. Shelters shall be sited in order to provide maximum protection to park occupants and so that residents may reach a shelter within the maximum safe time frame as directed by FEMA.

5.09.07 Plan Requirements:

A complete plan of the mobile home court shall be submitted showing:

1. A development plan and grading plan of the court.
2. The area and dimensions of the tract of land.
3. The number, location, and size of all mobile home spaces.
4. The area and dimensions of the park, playground and recreation areas.
5. The location and width of roadways and walkways.
6. The location of service buildings and any other proposed structures.
7. The location of water and sewer lines and sewage disposal facilities.
8. Plans and specifications of all buildings and other improvements constructed or to be constructed within the mobile home court.

5.09.08 Other Applicable Provisions:

No new building shall be hereafter erected or any existing building structurally altered with any portion of said building nearer than 120 feet from the R.O.W. line of a U. S. or State designated highway, and not nearer than 90 feet from the centerline of a Street or County road.

Section 5.10 C-1 Highway Commercial District

5.10.01 Intent: The Highway Commercial District is intended to establish standards that will foster and maintain an area within the district boundaries that will benefit the retail trade, business, cultural, and social activities of the entire community. The edge of such districts shall be designed to provide compatibility with residentially zoned properties. The district is primarily designed to be used in areas noted as “General Commercial” in the Comprehensive Plan.

5.10.02 Permitted Uses:

The following principal uses are permitted in the C-1 District.

1. Business services including: attorneys, banks, insurance, real estate offices, postal stations, printing, credit services, security brokers, dealers and exchange, title abstracting, savings and loans, finance services, governmental offices and investment services; but not including uses defined in Adult Establishment
2. Childcare center.
3. Dance studio, not including uses defined in Adult Establishment
4. Civic and cultural facilities including community center
5. Public services
6. Transportation depots including: railroad passenger station, bus station.
7. Adult Day Care Center
8. Retail business or service establishment supplying commodities or performing services carried on within an enclosed building, unless provided for herein, such as, or in compatibility with and including the following uses:
 - A. Apparel shop
 - B. Appliance store
 - C. Antique store
 - D. Automobile parts and supply store
 - E. Bakery shop (retail)
 - F. Barber and Beauty shop
 - G. Bicycle shop
 - H. Book store, not including uses defined in Adult Establishment
 - I. Brew-on premises store
 - J. Camera store
 - K. Cocktail lounges and taverns, not including uses defined in Adult Establishment.
 - L. Communication services
 - M. Computer store
 - N. Confectionery.
 - O. Dairy products sales
 - P. Discount retail sales establishments
 - Q. Drug store
 - R. Dry cleaning and laundry pickup
 - S. Health Clubs and tanning salon, not including uses defined in Adult Establishment
 - T. Health Recreation Facilities, not including uses defined in Adult Establishment
 - U. Floral shop
 - V. Mortuary, funeral homes and funeral chapels
 - W. Food Sales (Limited)
 - X. Food Sales (General)
 - Y. Furniture store or showroom
 - Z. Gift and curio shop
 - AA. Gunsmith
 - BB. Hardware store
 - CC. Hobby, craft, toy store
 - DD. Jewelry store
 - EE. Liquor store
 - FF. Locksmith
 - GG. Meat market, retail
 - HH. Medical Office
 - II. Meeting Halls, not including Adult Establishment
 - JJ. Music retail store
 - KK. Music studio
 - LL. Newsstands, not including uses defined in Adult Establishment
 - MM. Outlet retail store
 - NN. Paint store
 - OO. Pet shop, provided that all facilities are fully enclosed
 - PP. Photographer
 - QQ. Picture framing shop
 - RR. Reservation center

SS.	Restaurants, cafes and fast food establishment
TT.	Shopping Center,
UU.	Secondhand stores
VV.	Shoe store
WW.	Sporting goods
XX.	Stamp and coin stores
YY.	Tailors and dressmakers
ZZ.	Tanning salon
AAA.	Tattoo and body piercing parlor
BBB.	Travel agencies
CCC.	Video store, not including uses defined in Adult Establishment
DDD.	Social club and fraternal organizations, not including uses defined in Adult Establishment
EEE.	Telephone exchange
FFF.	Telephone answering service
GGG.	Public overhead and underground local distribution utilities.

5.10.03 Conditional Uses:

The following uses are subject to any conditions listed in this Ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the C-1 District as recommended by the Planning Commission and City Council and approved by the City Council.

1. Recreational establishments.
2. Variety store, not including uses defined in Adult Establishment
3. Amusement arcades.
4. Bowling center.
5. Brew Pubs
6. Microbreweries when in conjunction with a restaurant
7. Coffee Kiosks
8. Automated Teller Machines when not within the interior of a primary use
9. Business or trade school.
10. Printing and publishing.
11. Garden supply and retail garden center.
12. Commercial greenhouse.
13. Mail order services.
14. Pinball or video games business.
15. Totally enclosed, automated and conveyor-style car washes.
16. Convenience store with limited fuel sales.
17. Residences in conjunction with the principal use when located above the ground floor.
18. Religious institutions.
19. Big Box Retail
20. Car wash.
21. Animal Hospitals, provided the following:
 - A. Said use is totally enclosed within a building
 - B. Said services shall be provided for dogs, cats, birds, fish, and similar small animals customarily used as household pets
 - C. This excludes uses for livestock and other large animals.
22. All outdoor storage shall be temporary and shall comply with the provisions for Temporary Uses, as per this Ordinance.
23. Service station with minor automobile repair services.
24. Tire store and minor automobile repair service.
25. Radio, television and communication towers and transmitters
26. Automobile, display, sales, service, and repair.
27. Hotels, including restaurants, convention and meeting facilities and other related uses, do not include uses defined in Adult Establishment.
28. Self-service storage facility
29. Restaurants with Drive-Thru facilities.
30. Commercial sale of firearms and ammunition

5.10.04 Permitted Accessory Uses:

1. Buildings and uses customarily incidental to the permitted uses.
2. Parking as permitted in Sections 8.02-8.06.
3. Signs allowed in Article 7.
4. Landscaping as required by Article 9.
5. Incidental public safety uses such as emergency sirens

5.10.05 Permitted Temporary Uses:

Temporary Uses require a permit from the City of North Bend and shall be valid only for a specific amount of time as indicated on said permit.

1. Temporary greenhouses.
2. Temporary structures as needed for sidewalk and other outdoor sales events.
3. Fireworks stands, provided the criteria is met as established by the City through separate Ordinances.
4. Buildings and uses incidental to construction work which shall be removed upon completion or abandonment of the construction work.
5. Temporary structure for festivals or commercial events.
6. *Temporary food service or merchandise sale from vehicles or trailers, as per city regulations. (Ord. No. 513, June 19, 2012)*

5.10.06 Height and Lot Requirements:

1. The height and minimum lot requirements for permitted conditional and accessory uses shall be as follows:

Uses	Lot Area (SF)	Lot Width (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Street Side Yard (ft)	Max. Height (ft)	Max. Lot Coverage (%)
Permitted Uses	3,500	50	20	10	0	20	35*	60
Conditional Uses	3,500	50	20	10	0	20	35*	60

* Special Provisions. Any building, over two (2) stories in height permitted in Commercial District, shall be so designed to provide for adequate light and air so that any part of such building above the second story shall be no closer than twenty (20) feet perpendicular distance from the vertical extension of any lot boundary.

5.10.07 Use Limitations:

1. When adjacent to residentially zoned land, no parking, drives or signs shall be allowed in any required yard within 15 feet of such district. Furthermore, permanent screening shall be provided in this area in order to minimize impacts on residentially zoned property as per Article 9.
2. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.
3. No outdoor storage, except the display of merchandise for sale to the public, shall be permitted.
4. All uses over 20,000 sq. ft. in gross floor area shall be required to submit development plans and site plans to the governing body for approval.

Section 5.11 C-2 Downtown Commercial District

5.11.01 Intent: The Downtown Commercial District is intended for commercial and office development typically found in a downtown area. The intent of this district is to foster and maintain an area that will benefit retail trade, business, cultural and social activities of the entire community.

5.11.02 Permitted Uses:

The following principal uses are permitted in the C-2 District.

1. Business services including: attorneys, banks, insurance, real estate offices, postal stations, credit services, security brokers, dealers and exchange, title abstracting, savings and loans, governmental facilities, finance services and investment services; but not including uses defined in Adult Establishment.
2. Museums, art galleries, and other public or semi-public cultural facilities.
3. Retail business or service establishment supplying commodities or performing services, such as, or in compatibility with and including the following:
 - A. Book store, not including uses defined in Adult Establishment
 - B. Brew-on premises store
 - C. Bakery
 - D. Drug store
 - E. Book store, not including Adult Establishment
 - F. Newspaper distribution
 - G. Shoe and apparel shops
 - H. Hobby, camera and sporting goods stores
 - I. Radio, electronics and music store
 - J. Paint, drapery and floor covering stores
 - K. Clothing and apparel services, including: dressmaking, millinery, shoe repair, furrier and tailors.
 - L. Department Stores
 - M. Dry cleaning and laundry pickup
 - N. Floral shop
 - O. Gift and curio shop
 - P. Furniture, household appliances and home furnishing stores
 - Q. Jewelry store
 - R. Restaurants, cafes and fast food establishment
 - S. Cocktail lounges, taverns and retail liquor stores, not including uses defined in Adult Establishment.
 - T. Travel agencies
 - U. Video store, not including uses defined in Adult Establishment
 - V. Food Sales, limited
4. Self-service cleaning establishments, including: laundromats and laundries.
5. Personal services, including: barber shops, beauty salons, reducing salons, and photographic studios.
6. Meeting Halls and auditoriums, not including Adult Establishment
7. Civic buildings, including community center
8. Public services
9. Congregate housing
10. Medical offices
11. General offices
12. Mortuaries, funeral homes, and funeral chapels.
13. Educational institutions under the supervision and administration of a public agency

5.11.03 Conditional Uses:

The following uses are subject to any conditions listed in this Ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the C-2 District as recommended by the Planning Commission and City Council and approved by the City Council.

1. Theater, indoor, not including uses defined in Adult Establishment.
2. Automobile display, sales, service, and repair.
3. Brew Pubs
4. Micro-breweries when in conjunction with a restaurant
5. Coffee Kiosks
6. Automated Teller Machines when not within the interior of a primary use
7. Convenience store with limited fuel sales.
8. Hotels, including restaurants, convention and meeting facilities and other related uses, do not include uses defined in Adult Establishment.
9. Health Clubs and tanning salon, not including uses defined in Adult Establishment
10. Health Recreation Facilities, not including uses defined in Adult Establishment
11. Child Care Center

12. Food Sales, general
13. Public and private higher educational institutions such as trade schools, colleges, and seminaries.
14. Printing and publishing
15. Residences in conjunction with the principal use when located above the ground floor.
16. *Welding shop (Ord. No. 507, June 21, 2011)*
17. Commercial sale of firearms and ammunition

5.11.04 Permitted Accessory Uses:

1. Buildings and uses customarily incidental to the permitted uses.
2. Parking as permitted in Sections 8.02-8.06.
3. Signs allowed in Article 7.

5.11.05 Permitted Temporary Uses:

Temporary Uses require a permit from the City of North Bend and shall be valid only for a specific amount of time as indicated on said permit.

1. Temporary structures as needed for sidewalk and other outdoor sales events.
2. Buildings and uses incidental to construction work which shall be removed upon completion or abandonment of the construction work.
3. Temporary structure for festivals or commercial events.
4. *Temporary food service or merchandise sale from vehicles or trailers, as per city regulations. (Ord. No. 513, June 19, 2012)*

5.11.06 Height and Lot Requirements:

1. The height and minimum lot requirements for uses, including accessory uses, shall be as follows:

Uses	Lot Area (SF)	Lot Width (ft)	Front Yard (ft)	Side Yard (ft) *	Rear Yard (ft)	Max. Height (ft)	Max. Lot Coverage (%)
Permitted Uses	3,500	0	0	0	0	45	100
Conditional Uses	3,500	0	0	0	0	45	100

* 10 feet when abutting a zoning district requiring a side yard and 20 feet for any street side yards.

5.11.07 Use Limitations:

1. When adjacent to residentially zoned land, no storage, parking, drives or signs shall be within 15 feet of such district. Furthermore, permanent screening shall be provided in this area in order to minimize impacts on residentially zoned property, as per Article 9.
2. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.

Section 5.12 C-3 General Commercial

5.12.01 Intent: This district is designed to accommodate numerous commercial uses, including those that may have significant visual or traffic impacts. It is designed for commercial uses that serve an area beyond the adjacent neighborhood. The General Commercial district is designed to promote 1) safe traffic circulation on, off and across the highway; 2) a high quality of design and site planning; and 3) flexibility in development in order to provide an attractive, viable employment corridor.

5.12.02 Permitted uses:

The following principal uses are permitted in the C-3 District.

1. Business services including: attorneys, banks, insurance, real estate offices, postal stations, credit services, security brokers, dealers and exchange, title abstracting, finance services and investment services; but not including uses defined in Adult Establishment
2. Agriculture on more than 10 acres.
3. Public or semi-public buildings and facilities.
4. Commercial Greenhouse.
5. Lumber yards, hardware stores and building material sales yards.
6. Veterinarian or animal hospital, provided any such building, kennel, or exercise runway is located at least 100 feet away from any Residential District boundary.
7. Bowling alley, drive-in restaurant, and drive-in theater when located at least 100 feet away from any Residential District boundary.
8. Childcare center.
9. Meeting hall, not including uses defined in Adult Establishment
10. Museum, art gallery.
11. Retail business or service establishment supplying commodities or performing services, such as, or in compatibility with and including the following:
 - A. Antique store
 - B. Automobile parts and supply store
 - C. Bicycle shop
 - D. Dairy products sales
 - E. Exercise, fitness and tanning spa, not including uses defined in Adult Establishment
 - F. Food Sales (General)
 - G. Mortuary
 - H. General, medical and dental offices
 - I. Outlet retail store
 - J. Social club and fraternal organizations, not including uses defined in Adult Establishment
 - K. Telephone exchange
 - L. Public overhead and underground local distribution utilities.

5.12.03 Conditional Uses:

The following uses are subject to any conditions listed in this Ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the C-3 District as recommended by the Planning Commission and City Council and approved by the City Council.

1. Recreational establishments, including golf driving ranges and miniature golf.
2. Big Box Retail
3. Shopping center
4. Shopping center, commercial strip
5. Shopping center, outlet
6. Microbreweries when in conjunction with a restaurant.
7. Automated Teller Machines when not within the interior of a primary use
8. Hotels and Motels
9. Living quarters used by watchmen or custodians of the commercially used property
10. Truck Stops
11. Car washes.
12. Convenience store with limited fuel sales.
13. Automotive and farm implement sales and service.
14. Outdoor storage, subject to the following requirements:
 - A. A landscape buffer shall be provided subject to the approval of the zoning administrator.
 - B. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street
 - C. All outdoor storage areas shall be screened by a fence or wall or a combination of both and shall be located to the rear of the landscape buffer.

5.12.04 Permitted Accessory Uses:

1. Buildings and uses customarily incidental to the permitted uses.
2. Parking as allowed in Sections 8.02-8.06.
3. Signs allowed in Article 7.

4. Landscaping as required by Article 9.
5. Incidental public safety uses such as emergency sirens.

5.12.05 Permitted Temporary Uses:

Temporary Uses require a permit from the City of North Bend and shall be valid only for a specific amount of time as indicated on said permit.

1. Buildings and uses incidental to construction work are permitted to remain until completion or abandonment of the construction work, at which time they shall be removed.
2. Temporary structures for festivals or commercial events.
3. *Temporary food service or merchandise sale from vehicles or trailers, as per city regulations. (Ord. No. 513, June 19, 2012)*

5.12.06 Height and Lot Requirements:

1. The height and minimum lot requirements, including accessory uses, shall be as follows:

Uses	Lot Area	Lot Width (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Street Side Yard (ft)	Max. Height (ft)	Max. Lot Coverage (%)
Permitted Uses	3 acres*	150	25**	10	25	25**	35	70
Conditional Uses	3 acres*	150	25**	10	25	25**	35	70

* If on city water and sewer minimum lot area can be reduced to 10,000 square feet.

** 25 feet front yard setback required only when no parking is present in the front yard. If parking is located in the front yard then front yard setback is a minimum of 50 feet.

5.12.07 Use Limitations:

1. When adjacent to residentially zoned land, no parking, drives or signs shall be allowed in any required yard within 15 feet of such district.
2. Furthermore, permanent screening shall be provided in this area in order to minimize impacts on residentially zoned property, as per Article 9.
3. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.
4. 35 percent of the required front yard shall be maintained in a landscaped yard.
5. Signs: One pole sign not to exceed 15 feet in height and one wall sign affixed to the side of a principle permitted building. Maximum size: 80 square feet.
6. All lots shall be served by a paved frontage road and may not be accessed directly from the highway. When area permits, access roads shall be implemented.

Section 5.13 F-1 Flex Space

5.13.01 Intent: It is the intent of the Flex Space District Regulations to provide standards for area suitable for some limited industrial, commercial, wholesaling and storage activities, to preserve land for the expansion of the basic economic activities, to avoid incompatible land uses, to serve these areas with adequate transportation facilities, and to prevent or mitigate hazards to adjacent properties.

5.13.02 Permitted Uses:

The following principal uses are permitted in the F-1 District.

1. Light manufacturing; assembly, fabrication and processing of products inside an enclosed building, except hazardous or combustible materials.
2. Laboratories.
3. Manufacture and assembly of electrical and electronic appliances.
4. Manufacturing, compounding, processing, packaging, or treatment of articles or merchandise from previously prepared materials.
5. Public local distribution and main transmission utilities.
6. Warehouses and wholesale businesses.
7. Highway maintenance yards or buildings.
8. Self-storage units
9. Commercial greenhouse.
10. Veterinarian services or animal hospitals, provided any such building, kennel, or exercise runway is located at least 100 feet away from any Residential District boundary
11. Ancillary Parking
12. Railroads, including terminals, switching yards, and related facilities
13. Public services and publicly owned and operated facilities
14. Public parks and recreation
15. Landscape and horticultural services
16. Facilities for building construction contractors
17. Lumber and other building materials dealer
18. Research facilities
19. Retail business or service establishment supplying commodities or performing services, such as, or in compatibility with and including the following:
 - A. Antique store
 - B. Automobile parts and supply store
 - C. Communication services
 - D. Dairy products sales
 - E. Health Clubs, exercise, fitness and tanning salons, not including uses defined in Adult Establishment
 - F. Outlet retail store
 - G. Meeting hall, social club and fraternal organizations, not including uses defined in Adult Establishment
 - H. Telephone exchange and answering service

5.13.03 Conditional Uses:

The following uses are subject to any conditions listed in this Ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the F-1 District as recommended by the Planning Commission and City Council and approved by the City Council.

1. Recreational establishments.
2. Amusement parks.
3. Bowling alley, drive-in restaurant, and drive-in theater when located at least 100 feet away from any Residential District boundary.
4. Manufacture of light sheet metal products including heating and ventilation equipment.
5. Printing and publishing business.
6. Building materials yards with enclosed or screened storage areas.
7. Stone and monument works.
8. Recycling collection and processing facilities, both public and private
9. Construction and contractor storage yards
10. Hotels and Motels
11. Truck Stops
12. Mail order services.
13. Car washes.
14. Convenience store with limited fuel sales.
15. Garden supply and retail garden center.
16. Outdoor storage containers as per Section 8.17.
17. Outdoor storage, subject to the following requirements:
 - A. A landscape buffer shall be provided subject to the approval of the zoning administrator.

- B. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street
- C. All outdoor storage areas shall be screened by a fence or wall or a combination of both and shall be located to the rear of the landscape buffer.
- 18. Radio, television and communication towers and transmitters, as per Section _____.
- 19. Overhead and underground utility main transmission lines including but not limited to power, telephone, gas, fuel, or fertilizer lines, substations, terminal facilities, and reservoirs
- 20. Auction Sales
- 21. Construction and heavy equipment sales and service
- 22. Automotive sales and repair service, including recreational vehicles such as boats and campers
- 23. Automotive rental / leasing and other heavy equipment rental
- 24. Farm implement sales and service
- 25. Auto body repair
- 26. Live-in quarters used by live-in watchman or custodians during periods of construction or when necessary as an accessory to permitted use

5.13.04 Permitted Accessory Uses: (Ord. No. 513, June 19, 2012)

1. Buildings and uses customarily incidental to the permitted uses
2. Parking as permitted in Sections 8.02-8.06.
3. Signs allowed in Article 7.
4. Live-in quarters used by live-in watchman or custodians during periods of construction
5. Landscaping as required by Article 9.

5.13.05 Height and Lot Requirements:

1. The height and minimum lot requirements, including accessory uses, shall be as follows:

Use	Lot Area	Lot Width (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Street Side Yard (ft)	Max. Height (ft)	Max. Lot Coverage (%)
Permitted Uses	3 acres*	125	25**	25	25	25**	35	70
Conditional Uses	3 acres*	125	25**	25	25	25**	35	70

* If on city water and sewer minimum lot area can be reduced to 10,000 square feet.

** 25 feet front yard setback required only when no parking is present in the front yard. If parking is located in the front yard then front yard setback is a minimum of 50 feet.

5.13.06 Use Limitations:

1. When adjacent to residentially zoned land, no parking, drives or signs shall be allowed in any required yard within 15 feet of such district.
2. Permanent screening shall be provided in this area in order to minimize impacts on residentially zoned property, as per Article 9 and 35 percent of the required front yard shall be maintained in a landscaped yard.
3. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.
4. Signs: One pole sign not to exceed 15 feet in height and one wall sign affixed to the side of a principle permitted building. Maximum size: 80 square feet.
5. All lots shall be served by a paved frontage road and may not be accessed directly from the highway. When area permits, access roads shall be implemented.

5.13.07 Performance Standards:

No use shall produce a nuisance or hazard from fire, explosion, toxic or corrosive fumes, gas, smoke, odors, obnoxious dust or vapor, harmful radioactivity, offensive noise or vibration, flashes, objectionable effluent, or electrical interference which may affect or impair the normal use and peaceful enjoyment of any surrounding property, structure, or dwelling. See Section 8.10 of the Supplemental Regulations.

5.13.08 Permitted Temporary Uses: (Ord. No. 513, June 19, 2012)

Temporary Uses require a permit from the City of North Bend and shall be valid only for a specific amount of time as indicated on said permit.

1. Buildings and uses incidental to construction work are permitted to remain until completion or abandonment of the construction work, at which time they shall be removed.
2. Temporary food service or merchandise sale from vehicles or trailers, as per city regulations.

Section 5.14 I-1 Industrial

5.14.01 Intent: It is the intent of the Industrial District Regulations to provide standards for area suitable for some limited industrial uses and services, including some manufacturing, wholesaling and storage activities, to preserve land for the expansion of the basic economic activities, to avoid incompatible land uses, to serve these areas with adequate transportation facilities, and to prevent or mitigate hazards to adjacent properties.

Adult Entertainment Facilities are included in this Zoning District. The intent of the North Bend Zoning Ordinance is not to prohibit these uses but to regulate the secondary effects of these uses within the community.

5.14.02 Permitted Uses:

The following principal uses are permitted in the I-1 District.

1. Assembly, fabrication and processing of products inside an enclosed building, except hazardous or combustible materials.
2. Laboratories.
3. Manufacture and assembly of electrical and electronic appliances.
4. Manufacturing, compounding, processing, packaging, or treatment of articles or merchandise from previously prepared materials.
5. Manufacture of light sheet metal products including heating and ventilation equipment.
6. Printing and publishing business.
7. Stone and monument works.
8. Public local distribution and main transmission utilities.
9. Warehouses and wholesale businesses.
10. Building materials yards with enclosed and screened storage areas.
11. Highway maintenance yards or buildings.
12. Self-storage units
13. Food and dairy products processing
14. Laboratory
15. Research facilities
16. Veterinarian services or animal hospitals
17. Laundry and dry cleaning plant
18. Storage and sales of farm and agricultural products
19. Public services and publicly owned and operated facilities
20. Public Parks and recreation
21. Equipment rental, sales, and repair
22. Farm implement sales and service
23. Construction and contractor storage yard, sales, and repair
24. Vehicle storage, short and long term
25. Ancillary parking
26. Airports, not including private landing strips
27. Railroads
28. Construction batch plants that are temporary in nature

5.14.03 Conditional Uses:

The following uses are subject to any conditions listed in this Ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the I-1 District as recommended by the Planning Commission and City Council and approved by the City Council.

1. Overhead and underground utility main transmission lines including but not limited to power, telephone, gas, fuel, or fertilizer lines, substations, terminal facilities, and reservoirs
2. Radio, television and communication towers and transmitters
3. Cabinetry millwork, woodwork
4. Grain storage facilities
5. Auction Sales
6. Construction and heavy equipment sales and service
7. Truck terminal and dock facilities to include truck washing
8. Auto body repair
9. Auto Salvage
10. Central mixing plant for concrete, asphalt, or paving material
11. Scrap and salvage yard
12. Storage of bulk petroleum products
13. Storage or processing of non-hazardous material
14. Solid waste companies and associated facilities
15. Refuse transfer stations
16. Tire retreading and recapping
17. Recycling centers

- 18. Fireworks storage
- 19. Outdoor storage containers as per Section 8.17.
- 20. Adult entertainment establishments, provided that the following requirements are met:
 - A. No Adult business shall be closer than 1,000 feet to any similar use and no closer than 1,000 feet to a residential district or use, religious use, educational use or recreational use. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the main entrance of such adult business to the closest point on the property line of such other adult business, residential district or use, religious use, educational use or recreational use.
 - B. Said businesses shall be screened along adjoining property lines so as to prevent any direct visual contact of the adult business from the perimeter.
 - C. Doors, curtains and any other means of obstruction to the opening of all booths and other preview areas, including but not limited to Adult Novelty Businesses, Adult Motion Picture Arcades, Adult Mini-Motion Picture Theaters, and Adult Motion Picture Theaters shall be removed and kept off at all times during the execution of this Permit. Failure to comply with this condition shall result in revocation of the Conditional Use Permit.
 - D. No adult business shall be open for business between the hours of twelve-midnight (12:00 a.m.) and six a.m. (6:00 a.m.).
 - E. The proposed location, design, construction and operation of the particular use shall provide adequate safeguards to protect the health, safety, and general welfare of persons residing or working in adjoining or surrounding property.
 - F. Such use shall not impair an adequate supply of light and air to surrounding property.
 - G. Such use shall not unduly increase congestion in the streets or public dangers, including fire and safety hazards.
 - H. Such use shall be in accord with the intent, purpose and spirit of this Ordinance and the Comprehensive Development Plan of North Bend, Nebraska.
 - I. Applications for adult businesses under the terms of this Section shall be accompanied by evidence concerning the feasibility of the proposed request and its effect on surrounding property. The application shall also include a site plan defining the areas to be developed for buildings and structures, the areas to be developed for parking, driveways and points of ingress and egress, the location and height of walls, the location and type of landscaping, and the location, size and number of signs.
 - J. An adult business shall post a sign at the entrance of the premises that shall state the nature of the business and shall state that no one under the age of 18 years of age is allowed on the premises. This Section shall not be construed to prohibit the owner from establishing an older age limitation for admission to the premises.
 - K. *Prohibited Activities of Adult Businesses:*
 - i. No adult business shall employ any person under 18 years of age
 - ii. No adult business shall furnish any merchandise or services to any person who is under 18 years of age
 - iii. No adult business shall be conducted in any manner that permits the observation of any model or any material depicting, describing or relating to specified sexual activities or specified anatomical areas by display, decoration, sign, show window or other opening from any public way or from any property not licensed as an adult use. No operator of an adult business or any officer, associate, member, representative, agent, owner, or employee of such business shall engage in any activity or conduct in or about the premises which is prohibited by this Ordinance or any other laws of the State.
 - iv. No part of the interior of the adult business shall be visible from the pedestrian sidewalk, walkway, street, or other public or semi-public area.

5.14.04 Permitted Accessory Uses: (Ord. No. 513, June 19, 2012)

- 1. Buildings and uses customarily incidental to the permitted uses.
- 2. Parking as permitted in Sections 8.02-8.06.
- 3. Signs allowed in Article 7. -
- 4. Live-in quarters used by live-in watchman or custodians during periods of construction
- 5. Landscaping as required by Article 9

5.14.05 Height and Lot Requirements:

- 1. The height and minimum lot requirements, including accessory buildings, shall be as follows:

Max. Lot Coverage	Lot Area	Lot Width (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Street Side Yard (ft)	Max. Height (ft)	Max. Lot Coverage (%)
Permitted Uses	3 acres*	70	25**	25	15	25**	45	85
Conditional Uses	3 acres*	70	25**	25	15	25**	45	85

- * If on city water and sewer minimum lot area can be reduced to 10,000 square feet.
- ** 25 feet front yard setback required only when no parking is present in the front yard. If parking is located in the front yard then front yard setback is a minimum of 50 feet.

5.14.06 Use Limitations:

1. When adjacent to residentially zoned land, no parking, drives or signs shall be allowed in any required yard within 15 feet of such district. Furthermore, permanent screening shall be provided in this area in order to minimize impacts on residentially zoned property, as per Article 9.
2. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.
3. No use shall produce a nuisance or hazard from fire, explosion, toxic or corrosive fumes, gas, smoke, odors, obnoxious dust or vapor, harmful radioactivity, offensive noise or vibration, flashes, objectionable effluent, or electrical interference which may affect or impair the normal use and peaceful enjoyment of any surrounding property, structure, or dwelling.

5.14.07 Performance Standards:

No use shall produce a nuisance or hazard from fire, explosion, toxic or corrosive fumes, gas, smoke, odors, obnoxious dust or vapor, harmful radioactivity, offensive noise or vibration, flashes, objectionable effluent, or electrical interference which may affect or impair the normal use and peaceful enjoyment of any surrounding property, structure, or dwelling. See Section 8.10 of the Supplemental Regulations.

5.14.08 Permitted Temporary Uses: (Ord. No. 513, June 19, 2012)

Temporary Uses require a permit from the City of North Bend and shall be valid only for a specific amount of time as indicated on said permit.

1. *Buildings and uses incidental to construction work are permitted to remain until completion or abandonment of the construction work, at which time they shall be removed.*
2. *Temporary merchandise sale from vehicles or trailers, as per city regulations.*

Section 5.15 CLUSTERED/MIXED USE DEVELOPMENT DISTRICT (CMD)

5.15.01 Intent: The Clustered / Mixed Use Development District (CMD) is to encourage the creative design of new living and retail areas, as distinguished from subdivisions of standard lot sizes, in order to permit such creative design in buildings, open space, while promoting the health, safety, and general welfare of existing and future residents of surrounding neighborhoods.

When a CMD District is requested, it will require a change of zone with the CMD being attached to the underlying district. Once the rezoning is approved, the allowed uses and standards herein shall modify the minimum requirements of the underlying district.

5.15.02 Permitted Uses:

The following principal uses are permitted in the CMD District provided the requirements of this section are met:

1. Single-family Dwellings
2. Single-family attached Dwellings containing three or fewer dwellings
3. Townhouses and Condominiums containing three or fewer dwellings
4. All other uses listed as a Permitted Use within the underlying zoning district

5.15.03 Conditional Uses:

The following uses are subject to any conditions listed in this Ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the CMD District as recommended by the Planning Commission and City Council and approved by the City Council.

1. Churches, temples, seminaries, and convents, including residences for pastors and teachers.
2. Private recreation areas and facilities, including lakes, ponds, country clubs, golf courses, and swimming pools.
3. Overhead and underground utility main transmission lines including but not limited to power, telephone, gas, fuel, or fertilizer lines, substations, terminal facilities, and reservoirs.
4. Commercial uses provided the following are met as a minimum:
 - A. Established as part of a mixed use development
 - B. That the commercial use is consistent with the residential uses of the development
 - C. The commercial use does not create any secondary effects that impact the health, safety, general welfare and morals of the other uses
 - D. The residential density exceeds the density of the commercial uses
 - E. The commercial uses provide ordinary services associated with residential uses
 - F. The commercial uses provide solid and/or natural buffering when adjacent to residential lots as required in the supplemental regulations of this Ordinance.
 - G. Proper access shall be provided to all commercial uses
5. Multi-family structures containing more than three dwelling units provided the following are met as a minimum:
 - A. Established as part of a mixed use development
 - B. The multi-family density does not exceed the density of the single family density
 - C. The multi-family dwellings provide solid and/or natural buffering when adjacent to single-family lots as required in this Ordinance.
 - D. Proper access shall be provided to all multi-family units
6. Community centers and/or clubhouses, provided the Development Plan reflects the location of such use and the structure is compatible with other structures within the development.
7. Single-family attached containing three or more dwellings.
8. Townhouses and Condominiums containing three or more dwellings.
9. All other uses listed as a Conditional Use within the underlying zoning district.

5.15.04 Temporary Uses:

The following temporary uses shall be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit

1. Buildings and uses incidental to construction work which shall be removed upon completion or abandonment of the construction work.
2. Temporary structure for festivals or commercial events.

5.15.05 Permitted Accessory Uses:

1. Accessory uses and structures normally appurtenant to the permitted uses and structures and to uses and structures permitted as conditional uses in accordance with this Ordinance.
2. Private swimming pools, tennis courts, and other recreational facilities in conjunction with a residence.
3. Signs as required in Article 7.
4. Parking as required in Sections 8.02-8.06.
5. Home Occupations II.
6. Family Child Care Home I

5.15.06 Height and Lot Requirements:

1. The height and minimum lot requirements shall be as follows:

Uses	Lot Area (Sq. ft.)	Lot Width (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Maximum Height (ft)	Max. Lot Coverage (%)
Single Family	4,000	40	*	*	*	35	*
Multi-Family	1,500 per unit**	60	25	7 or 10 if over 30' in height	25	40	
Townhouses, Condominiums	2,500	18	*	*	*	*	*
Other Permitted Uses	*	*	*	*	*	40	*
Accessory Buildings	---	---	*	*	*	15	*

* Lot and yard requirements are dependent upon the development and may vary depending upon areas being conserved or special amenities being used or established and will be reviewed upon submittal of the Development Plan

** Minimum Lot size is 7,500 square feet.

5.15.07 Supplemental Requirements:

1. The Planning Commission, in its minutes, shall set forth its reasons for recommendation of approval or denial of the application for a CMD plan approval, along with specific evidence and facts showing that the proposal meets or does not meet the following conditions.
 - A. Said CMD shall be in general conformity with the provisions of the North Bend Comprehensive Plan.
 - B. Said CMD shall not have a substantially adverse effect on the development of the neighboring area.
 - C. The minimum size allowed for a CMD District by type of use shall be as follows:
 - Residential (only), three acres;
 - Residential - Commercial (combination), five acres.
 - D. Height, bulk, and yard requirements shall be reflected on the Development Plan and shall promote an efficient and creative use of land.
2. Use Limitations:

In District CMD no building, structure, land, or premises shall be used, and no building shall be erected, constructed, or altered, except for any use permitted in this District. All uses must be approved as shown on the Development Plan as specified in this division.
3. Standards and conditions for development:

A development proposed for land classified as the CMD district shall be consistent with the following general standards for use of land, and the use, type, bulk, and location of buildings, the density or intensity of use, open space, public facilities, and the Development Plan shall, where applicable, reflect compliance.

 - A. The applicant shall satisfy the Planning Commission and City Council that there is the ability to carry out the proposed plan, including financial assurances and the phasing of the project, and shall prepare and submit a schedule of construction, if necessary. The proposed construction shall begin within a period of 12 months following the approval of the final application by the City Council. A minimum of 50% of the total planned construction shown on the final plan shall be completed within a period of five years following such approval or the approval shall expire. If the approval expires under this section, the applicant shall show good cause to the Planning Commission to extend the plan approval.
 - B. The developer shall provide and record easements and covenants, shall make such other arrangements, and shall furnish such performance bonds, escrow deposit, or other financial guarantees for public improvements as may be determined by the City Council to be

- reasonably required to assure performance in accordance with the Development Plan and to protect the public interest in the event of abandonment of said plan before completion.
- C. The site shall be accessible from public roads that are adequate to carry the traffic that will be imposed upon them by the proposed development. The streets and driveways on the site of the proposed development shall be adequate to serve the residents or occupants of the proposed development.
 - D. The development shall not impose an undue burden on public services and facilities, such as fire and police protection.
 - E. The entire tract or parcel of land to be occupied by the CMD development shall be held in single ownership or control, or if there are two or more owners, the application for such CMD development shall be filed jointly by all owners. This provision may be waived provided that the land contains existing improvements.
 - F. The location and arrangement of structures, parking areas, walks, lighting, and appurtenant facilities shall be compatible with the surrounding land uses, and any part of a CMD development not used for structures, parking and loading areas, or access ways shall be landscaped or otherwise improved as shown on the Development Plan.
 - G. Off-street parking and loading shall be provided in accordance with the parking and loading regulations of the City of North Bend.
 - H. When a commercial use within a CMD District abuts a residential district, the Development Plan shall reflect screening consisting of landscaping and/or fencing provided adjacent to any adjoining residential district; except in the event the adjacent residential use and the commercial use are separated by a street right-of-way.
 - I. All residential and commercial buildings shall set back not less than 25 feet from the perimeter of the land zoned CMD. Additional setback from a heavily traveled thoroughfare may be required, when found reasonable by the planning commission for protection of health, safety, and general welfare.
 - J. Building coverage area shall not exceed the following percentages of the net developable area of each individual parcel of the total development:
 - Residential: 60 percent maximum;
 - Commercial: 50 percent maximum.

NOTE: Building coverage area, is the area covered by building(s) or structure(s) on each individual lot or parcel (not including such impervious improvements such as but not limited to walkways, driveways, patios etc.).

The net developable area shall be the area of each parcel and the net of any required yard required under the Development Plan. The Development Plan shall reflect the calculations used to demonstrate compliance with this requirement.

- K. A minimum of 20 percent of the net area of that part of a CMD development reserved for residential use shall be provided for Common Areas as defined by these regulations under subsection (p) below. The term "net area" shall be the gross area, measured in square feet, of the Development Plan devoted to residential use less the area dedicated for public streets. Common Areas shall be defined as playgrounds, street medians, landscaped green space, or other similar areas designed to be used by the residents of the development in common with each other. Common Areas for the leisure and recreation of development residents shall be owned and maintained in common by them, through a homeowner's association.
- L. The CMD District shall include such provisions for the ownership and maintenance of the Common Areas as are reasonably necessary to insure its continuity, care, conservation, and maintenance, and to insure that remedial measures will be available to the City Council if the common open space is permitted to deteriorate, or is not maintained in a condition consistent with the best interests of the planned unit development or of the entire community. The applicant shall submit any protective covenants and organizational documents of the homeowner's association with the Development Plan.
- M. No residential use shall have direct access onto an arterial street unless approved by the City Council in the Development Plan.
- N. Any commercial use must reflect its traffic flow on the Development Plan. All commercial areas must have indirect access via a collector or arterial street; however, no individual commercial use may have direct access onto collector or arterial streets.
- O. Sidewalks shall be built to City specifications along all public and private streets; however, an alternative pedestrian and sidewalk plan may be developed which provides pedestrian access between each use in the CMD development.
- P. Common Areas as defined under this zoning district shall mean land area of the site not covered by buildings, parking, structures, community buildings, or accessory structures, except recreational structures. Common Areas shall include open space that is accessible and available to all owners or residents in common pursuant to an Owner's Association.

5.15.08 Application for approval of Clustered / Mixed Use Development:

1. An application for a CMD shall be handled in the same manner prescribed for amending this Ordinance. The same requirements for notice, advertisement of public hearing, protests, and adoption shall be required as zoning changes.
2. The applicant shall prepare and submit 11 copies of the development plan (the "Development Plan") of the proposed development in the CMD District for review and approval by the Planning Commission. The Development Plan shall include:
 - A. A site plan showing:
 - Contours at intervals of two feet or spot elevations on a 100 foot grid shall be required on flat land;
 - Location, size, height, and use of all proposed structures and proposed yards on each lot;
 - All points of ingress and egress, driveways, circulation aisles, parking lots, parking spaces, and service areas;
 - All streets adjoining subject property and the width of the existing right-of-way;
 - Areas set aside for Common Areas with the type of use or recreational facilities planned for each;
 - Designation of individual parcels if the proposed development is to be set up in separate construction phases;
 - Designation of individual lots if such lots are proposed to be sold to individual owners;
 - Location of required screening;
 - Location of natural features such as ponds, tree clusters, and rock outcropping;
 - Existing development on adjacent properties within 200 feet.
 - B. The above-described site plan shall also include a section designated as "general provisions," and said section shall include the following when, said items are applicable:
 - Net area in square feet of the development. (*Note:* Net area shall be computed as the gross area less the land dedicated or necessary to be dedicated for public street right-of-way.
 - Density of dwelling units per acre of the total dwelling units for the entire plan.
 - Building coverage of the net area of the development by individual parcel or total development.
 - The percentage of the Development Plan provided for common open space is defined by this ordinance. (*Note:* 20 percent is the minimum).
 - If more than one parcel is proposed, a statement relating to the sequence of development shall be included.
 - Required number of parking spaces and location.
 - Gross floor area proposed for commercial buildings.
 - All proposed land uses shall be listed by parcel.
 - C. A statement or adequate drawings shall be included describing the manner for the disposition of sanitary waste and storm water.
 - D. The full legal description of the boundaries of the property or properties to be included in the CMD development.
 - E. A vicinity map showing the general arrangement of streets within an area of 1,000 feet from the boundaries of the proposed CMD development.
 - F. An elevation drawing of the general characteristics of the proposed buildings may be submitted if the applicant desires.
 - G. When a CMD development includes provisions for common space and/or recreational facilities, a statement describing how such open space and/or facility be owned and maintained when not under the ownership of a governmental entity. A homeowner association or other controlling entity shall provide the City of North Bend with copies of the proposed articles of incorporation and bylaws of such entity.
3. The Planning Commission shall meet within 45 days of an application being filed. Plans shall be filed with the City at least four weeks prior to a scheduled Planning Commission meeting. After the application for a CMD development is filed, the Planning Commission shall hold a public hearing on said development after giving required notice for hearings in amendments. Said public hearing may be adjourned from time to time and, within a reasonable period of time after the conclusion of said public hearing, the planning commission shall prepare and transmit to the City Council and the applicant specific findings of fact with respect to the extent which the Development Plan complies with those regulations, together with its recommendations in respect to the action to be taken on the Development Plan and CMD requirements. The planning commission may recommend disapproval, approval, or approval with amendments, conditions or restrictions.
4. The City Council shall or shall not approve the Development Plan and authorize the submitting of the final Development Plan.

5. Substantial or significant changes in the preliminary plat and CMD design shall only be made after rehearing and reapproval unless the changes were otherwise required by the Planning Commission or the City Council.

5.15.09 Final approval:

1. After approval of a Development Plan and prior to the issuance of any building permit or zoning permit, the applicant shall submit an application for final approval with the CMD development compliance review committee. The CMD development compliance committee shall consist of members of the North Bend Planning Commission, North Bend City Council, the Zoning Administrator, the North Bend City Attorney, and/ or the North Bend City Engineer; this committee will be assembled only on an as needed basis. Said final application may include the entire CMD District or may be for a unit or section thereof as set forth in the approval of the preliminary plan. The application shall include 11 copies of such drawings, specifications, covenants, easements, conditions, and any other conditions including but not limited to performance bonds. As set forth in the approval of the Development Plan preliminary plan and in accordance with the conditions established in this chapter for a CMD District. The final plan shall include the same information, as the preliminary plan except the following shall also be provided:
 - A. A surveyor's certificate certifying the accuracy of the boundary surveys shown.
 - B. Location, names, tangent lengths, centerline radius of each curve and its interior width and angle of all proposed public right-of-way;
 - C. All easements and appropriate building setback lines;
 - D. All lot lines, and lot dimensions including chord distances for curvilinear lot lines;
 - E. Lot and/or parcel numbers;
 - F. Location, size, height, and use of all proposed or present buildings;
 - G. Dedication of all streets, public highways, or other land intended for public use, signed by the owner and by all other parties who have a mortgage or lien interest in the property, together with any restrictions or covenants which apply to the property.
 - H. A waiver of claim by the applicant for damages occasioned by the establishment of grades or the alteration of the surface of any portion of streets and alleys to conform to grades established.
2. A plan submitted for final approval shall be deemed to be in substantial compliance with the plan previously given tentative approval, provided any modification of the Development Plan does not:
 - A. Vary the proposed gross residential density or intensity of use by more than five percent or involve a reduction in the area set aside for common open space, nor the substantial relocation of such area; nor
 - B. Increase by more than 10 percent the floor area proposed for non-residential use; nor
 - C. Increase by more than five percent of the total ground area covered by buildings or involve a substantial change in the height of buildings.
 - D. Substantially change the design of the plan so as to significantly alter:
 - Pedestrian or vehicular traffic flow.
 - The juxtaposition of different land uses.
 - The relation of open space to residential development.
 - The proposed phasing of construction.
 - Proposed use of one or more buildings to a more intensive use category as delineated in this ordinance.
3. A public hearing need not be held for the approval of a final plan if it is in substantial compliance with the approved preliminary plan. The planning commission shall, within 30 business days of the time of filing, review the final plan for compliance with the approved preliminary plan. Upon review approval, the said final plan shall be filed with the City Council for final approval and acceptance.
4. In the event that the final plan submitted contains changes in excess of those permitted under Subparagraph (2) above, applicant shall resubmit the original plan. The Development Plan shall be modified in the same manner prescribed in this division as for original approval.

5.15.10 Enforcement and modification of plan:

1. To further the mutual interest of the residents and owners of the CMD development and of the public in the preservation of the integrity of the CMD plan, as finally approved, and to insure that modifications, if any, in the plan shall not impair the reasonable reliance of the said residents and owners upon the provisions of the plan, nor result in changes that would adversely affect the public interest, the enforcement and modification of the provisions of the plan as finally approved, whether recorded by plan, covenant, easement or otherwise, shall be subject to the following provisions:
 - A. The use of land and the use, bulk, and location of buildings and structures; and

- B. The quality and location of common space; and
- C. The intensity of use or the density of residential units shall run in favor of the City and
- D. Shall be enforceable in law or in equity, by the City, without limitation on any powers or regulation otherwise granted by law. The development of any land pursuant to an approved Development Plan shall be constructed in accordance with the requirements of Section 5.16 (if applicable) and the approved Development Plan.

5.15.11 Amendments:

The CMD District agreement or an approved Development Plan may be amended in the same manner prescribed in this division for approval of a preliminary or final plan. Application for amendment may be made by the homeowner's association or 51 percent of the owners of the property within the CMD District.

5.15.12 Platting:

For unplatted tracts or tracts being replatted, the approval of the Development Plan shall be considered as the approval of a preliminary plan. To complete the platting process, the applicant need only submit a final plat. Said final plat shall be in accordance with the subdivision regulations, except the scale shall be 100 feet, 50 feet, or 20 feet to the inch.

5.15.13 Fees:

For the following applications, fees shall be paid to the City:

- A. Development Plan, filing fee shall be set by the City Council by separate ordinance;
- B. Final plan, filing fee shall be set by the City Council by separate ordinance.

These fees are separate and do not include any Preliminary and Final Plat Fees and/or any Change of Zone Fees required by the City of North Bend.

Section 5.16 FF/FW FLOOD PLAIN DISTRICT (OVERLAY DISTRICT) - 2008 Floodway Ordinance #485, as Amended

5.16.01 The 2008 Floodway Ordinance #485, (replacing Ordinances #354 and #393) shall continue in effect and enforced, until such time as they are amended.

5.16.02 **DISCLAIMER OF LIABILITY**

The degree of flood protection required by Ordinance 485 is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood height may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. Said Ordinances do not imply that areas outside floodplain district boundaries or land uses permitted within such districts will be free from flooding or flood damage. Said Ordinances shall not create liability on the part of the City or any officer or employee thereof for any flood damage that may result from reliance on said Ordinances or any administrative decision lawfully made thereunder.

North Bend, Nebraska: Lot and Area Requirements

ZONING DISTRICT	MINIMUM LOT AREA ^A		MINIMUM YARD				MAXIMUM HEIGHT		MAXIMUM LOT COVERAGE
	LOT AREA ^A	LOT WIDTH	FRONT SETBACK	SIDE	REAR	STREET SIDE	IN STORIES	IN FEET	PERCENT OF LOT AREA
TA: Transitional Agricultural	5 acres	150 ft.	25 ft.	50 ft.	65 ft.		2 1/2	35 ft.	10%
R-1: Low Density Residential	20,000 sq.ft.	80 ft.	35 ft.	15 ft.	30 ft.	35 ft.	2 1/2	35 ft.	20%
Single-family	20,000 sq.ft.	80 ft.	35 ft.	15 ft.	30 ft.	35 ft.	2 1/2	35 ft.	20%
Other Permitted	-	-	50 ft.*	5 ft.	10 ft.*	50 ft.*	1	15 ft.	10%
Accessory Building	-	-	50 ft.*	5 ft.	10 ft.*	50 ft.*	1	15 ft.	10%
R-2 Medium Density Residential	6,000 s.f.	50 ft.	25 ft.	8 ft.	25 ft.	25 ft.	2 1/2	35 ft.	40%
Single-family (Exclusive)	9,000 s.f.	75 ft.	25 ft.	10 ft.	25 ft.	25 ft.	2 1/2	35 ft.	40%
Single-family (Future)	8,000 s.f.	75 ft.	25 ft.	10 ft.	25 ft.	25 ft.	2 1/2	35 ft.	35%
Two-family	4,000 s.f./du	75 ft.	25 ft.	10 ft.	25 ft.	25 ft.	2 1/2	35 ft.	35%
Multi-family	10,000 s.f.	80 ft.	25 ft.	10 ft.	30 ft.	25 ft.	2	35 ft.	25%
Other Permitted	-	-	50 ft.*	5 ft.	10 ft.*	50 ft.*	1	15 ft.	10%
Accessory Building	-	-	50 ft.*	5 ft.	10 ft.*	50 ft.*	1	15 ft.	10%
R-3: Lake Side Residential	22,000 s.f.*	100 ft.	25 ft.	10 ft.	25 ft.	25 ft.	2 1/2	35 ft.	20%
Single-family	9,000 s.f.	75 ft.	25 ft.	10 ft.	25 ft.	25 ft.	2 1/2	35 ft.	20%
Other Permitted	-	-	50 ft.*	5 ft.	3 ft.	50 ft.*	1	15 ft.	10%
Accessory Building	-	-	50 ft.*	5 ft.	3 ft.	50 ft.*	1	15 ft.	10%
R-M: Residential Mobile Home	7,500 s.f.*	70 ft.	30 ft.	8 ft.	25 ft.	30 ft.	2 1/2	35 ft.	25%
Single-family	7,500 s.f.*	70 ft.	30 ft.	8 ft.	25 ft.	30 ft.	2 1/2	35 ft.	25%
Other Permitted	-	-	30 ft.	8 ft.	5 ft.	30 ft.	1	15 ft.	10%
Accessory Building	-	-	30 ft.	8 ft.	5 ft.	30 ft.	1	15 ft.	10%
C-1: General Commercial	3,500 s.f.	50 ft.	20 ft.*	10 ft.	0 ft. ¹ *	20 ft.	2 1/2	35 ft.*	60%
C-2: Downtown Commercial	3,500 s.f.	0 ft.	0 ft.	0 ft. ¹	0 ft. ¹	0 ft. ¹	3	45 ft.	100%
C-3: General Commercial	3 acres*	150 ft.	25 ft.	10 ft.	25 ft.	25 ft.	2 1/2	35 ft.	70%
W/O Parking in front			50 ft.			50 ft.			
W/ Parking in front			50 ft.			50 ft.			
F-1: Flex Space	3 acres*	125 ft.	25 ft.	25 ft.	25 ft.	25 ft.	2 1/2	35 ft.	70%
W/O Parking in front			50 ft.			50 ft.			
W/ Parking in front			50 ft.			50 ft.			
I-1 Light Industrial	3 acres*	70 ft.	25 ft.	25 ft.	15 ft.	25 ft.	3	45 ft.	85%
W/O Parking in front			50 ft.			50 ft.			
W/ Parking in front			50 ft.			50 ft.			

Notes: ¹No side yard or rear yard setback required unless it abuts residential district.

* See Zoning District for additional criteria

(Ord. No. 508, Sept. 20, 2011)

ARTICLE 6: CONDITIONAL USE PERMITS

Section 6.01 General Provisions

The City Council may, by conditional use permit after a Public Hearing and referral to and recommendation from the Planning Commission, authorize and permit conditional uses as designated in the district use regulations. Approval shall be based on findings that the location and characteristics of the use will not be detrimental to the health, safety, morals, and general welfare of the area.

Allowable uses may be permitted, enlarged, or altered upon application of a conditional use permit in accordance with the rules and procedures of this ordinance. The Council may grant or deny a conditional use permit in accordance with the intent and purpose of this ordinance. In granting a conditional use permit, the Council will authorize the issuance of a conditional use permit and shall prescribe and impose appropriate conditions, safeguards, and a specified time limit for the performance of the conditional use permit.

Section 6.02 Application for Conditional Use Permits

A request for a conditional use permit or modification of a conditional use permit may be initiated by a property owner or his or her authorized agent by filing an application with the City upon forms prescribed for the purpose. The application shall be accompanied by a drawing or site plan and other such plans and data showing the dimensions, arrangements, descriptions data, and other materials constituting a record essential to an understanding of the proposed use and proposed modifications in relation to the provisions set forth herein. A plan as to the operation and maintenance of the proposed use shall also be submitted. The application shall be accompanied by a non-refundable fee.

Section 6.03 Planning Commission Public Hearing

Before any proposal for a conditional use permit is considered by the City Council, the Planning Commission shall conduct a public hearing after prior notice of the time, place, and purpose of the hearing has been given by publication in a legal paper of general circulation in the City of North Bend, one time at least 10 days prior to such hearing.

Section 6.04 City Council Public Hearing

Before issuance of any conditional use permit, the Council will consider the application for the conditional use permit together with the recommendations of the Planning Commission at a public hearing after prior notice of the time, place, and purpose of the hearing has been given by publication in a legal paper of general circulation in the City of North Bend, one time at least 10 days prior to such hearing.

Section 6.05 Decisions

A majority vote of the Council shall be necessary to grant a conditional use permit. No order of the Council granting a conditional use permit, which has not been acted upon by the applicant, shall be valid for a period longer than 12 months from the date of such order. Unless the following is completed:

1. The Zoning Administrator, in consultation with City Staff, has granted an additional six month administrative extension provided:
 1. The character (including uses, parking conditions, traffic, and others) of the area in which the use(s) were approved has not changed significantly,
 2. The applicant has made some effort to follow through with said permit or there were circumstances that slowed the applicants' progress.
 3. If the administrative extension of the second six month period has lapsed without establishment of said conditionally permitted use; or, if staff deems the character of the area has changed within the initial six month period, the applicant shall be required to reapply to both the Planning Commission and City Council for further approval(s).

Section 6.06 Standards

No conditional use permit shall be granted unless that Planning Commission or City Council has found:

1. That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, moral, comfort, or general welfare of the community.
2. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood.
3. That the establishment of the conditional use will not impede the normal and orderly development of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided.
5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
6. The use shall not include noise, which is objectionable due to volume, frequency, or beat unless muffled or otherwise controlled.

7. The use shall not involve any pollution of the air by fly-ash, dust, vapors or other substances which is harmful to health, animals, vegetation or other property or which can cause soiling, discomfort, or irritation.
8. The use shall not involve any malodorous gas or matter which is discernible on any adjoining lot or property.
9. The use shall not involve any direct or reflected glare which is visible from any adjoining property or from any public street, road, or highway.
10. The use shall not involve any activity substantially increasing the movement of traffic on public streets unless procedures are instituted to limit traffic hazards and congestion.
11. The use shall not involve any activity substantially increasing the burden on any public utilities or facilities unless provisions are made for any necessary adjustments.

ARTICLE 7: SIGN REGULATIONS

Section 7.01 Purpose and Applicability

7.01.01 Purpose

The purpose of these sign regulations are: to encourage the effective use of signs as a means of communication in the City; to maintain and enhance the aesthetic environment and the City's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign regulations. These sign regulations are adopted under the zoning authority of the City in furtherance of the more general purposes set forth in the zoning ordinance.

7.01.02 Applicability

A sign may be erected, placed, established, painted, created, or maintained within the City and the City's extraterritorial zoning jurisdiction only in conformance with the standards, procedures, exemptions and other requirements of these sign regulations.

7.01.03 Definitions and Interpretation

Words and phrases used in this ordinance shall have the meanings set forth herein and in Article 2. Principles for computing sign area and sign height are contained in Section 7.01.04.

ABANDONED SIGN shall mean a sign which no longer identifies or advertises a business, lessor, service, owner, product, or activity on the parcel where the sign is located or a sign for which no legal owner can be found.

AERIAL SIGN shall mean a balloon or other airborne flotation or inflatable device which sits on a surface or is tethered to the ground or to a building that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered, regardless of whether it does or does not contain text or advertising copy.

ADVERTISING SIGN shall mean a sign which directs attention to any product, activity, or service; provided, however, that such sign shall not be related to or make reference to the primary use, business activity, or service conducted on the premises.

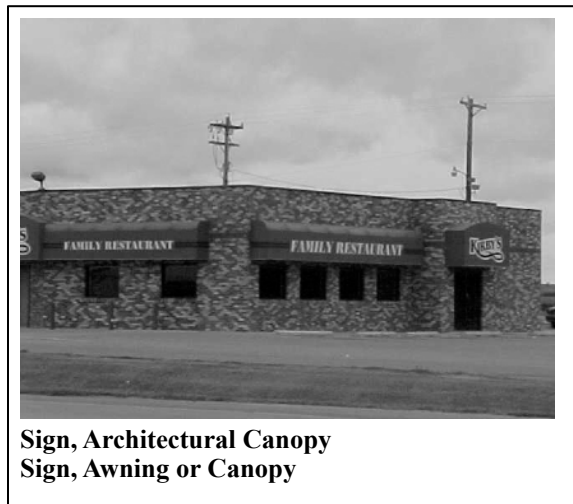
ANIMATED SIGN shall mean any sign that uses movement or change of lighting to depict action or create a special effect or scene. An animated sign does not include time and temperature, or message center signs.

ANNOUNCEMENT SIGN shall mean a small announcement or professional signs, not over six square feet in area, except that an announcement sign or bulletin board not over 18 square feet in area, set back at least 20 feet from any highway, street, road, or roadway easement may be erected in connection with any of the permitted principal uses of a nonresidential nature, except the setback shall not apply in the Downtown District.

ARCHITECTURAL CANOPY SIGN shall mean an enclosed, illuminated (backlit awning) or non-illuminated structure that is attached to the wall of a building with the face of the sign approximately parallel to the wall and with the sign's area integrated into its surface.

AUDIBLE SIGN shall mean any sign that conveys either a written message supported by an audible noise including music, spoken message, and / or sounds to attract attention to the sign. Audible signs also include signs conveying only the audible noise including music, spoken message, and/or sounds to attract attention.

AWNING OR CANOPY SIGN shall mean any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

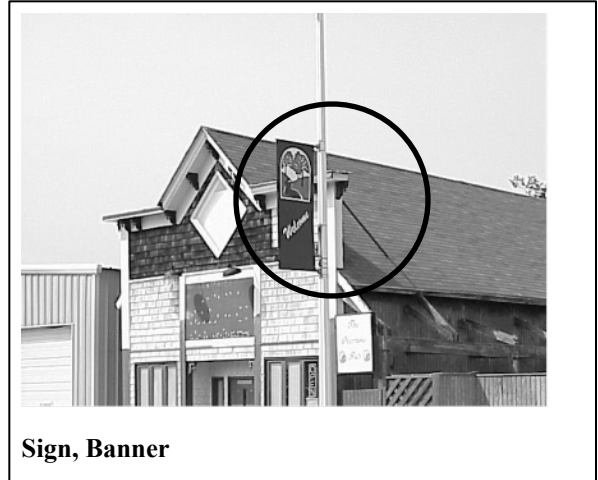


**Sign, Architectural Canopy
Sign, Awning or Canopy**

BACK-LIT SIGN shall mean a sign whose light source is located behind fully opaque letters and/or graphics in the interior of the sign so that the rays go through the face of the sign.

BALLOON SIGN shall mean one or more balloons used as a permanent or temporary sign or as a means of directing attention to any business or profession, or to a commodity or service sold, offered, or manufactured, or to any entertainment.

BANNER/FLAG SIGN shall mean any sign of lightweight fabric or similar material that is permanently mounted to a pole or building by a permanent frame at one or more edges. National flags, state or municipal flags, or official flag of any institution or business shall not be considered banners. Banner signs shall not represent a commercial message.



Sign, Banner

BANNER (COMMERCIAL) SIGN shall mean an advertising sign of non-rigid material mounted on a building or structural frame.

BILLBOARD SIGN shall mean a sign that identifies or communicates a commercial or noncommercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.

BUILDING SIGN shall mean any sign supported by, painted on or otherwise attached to any building or structure.

BUILDING MARKER SIGN shall mean any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

CENTER IDENTIFICATION SIGN shall mean any sign erected to provide direction to a development including multiple uses and / or structures within the development. Center Identification signs shall include the name of said development and may include, when permitted, the names of major tenants of the development. Center Identification Signs shall typically be similar to Ground (Monument) signs.

CHANGEABLE COPY SIGN shall mean a sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without, altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for purposes of this ordinance. A sign on which the only copy changes is an electronic or mechanical indication of time or temperature shall be considered a “time and temperature” portion of a sign and not a changeable copy sign for purposes of this ordinance.



**Sign, Billboard
Sign, Off-Premises**

CLOSED SIGN shall mean a sign in which more than 50 percent of the entire area is solid or tightly closed or covered.

COMMEMORATIVE SIGN shall mean a permanent sign indicating the name of a structure or site, its address, or other information of commemorative or historical significance.

COMMERCIAL MESSAGE SIGN shall mean any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

CONDITIONAL USE SIGN shall mean a sign type requiring approval by the Planning Commission and City Council as a conditional use permit.

CONSTRUCTION SIGN shall mean a temporary sign identifying an architect, engineer, contractor, subcontractor, and/or building material supplier who participates in construction on the property on which the sign is located.

DESTINATION SIGN shall mean a sign used to inform and direct the public to important public places and buildings, landmarks, and historical sites in the most simple, direct, and concise manner possible.

DIGITAL SIGN shall mean a sign which displays an advertisement or message which is generated electronically and commonly utilizes computerized or electronic digital technology, including but not limited to digital display boards, electronic variable message signs and light emitting diode (LED) signs.

DIRECT LIGHTING shall mean illumination by means of an external source.

DIRECTIONAL/INFORMATIONAL SIGN shall mean an on-premises sign which provides direction for the safe and efficient flow of vehicular or pedestrian traffic to an activity on the premise. Directional/Informational signs shall include signs marking entrances, exits, parking areas, loading areas or other operational features of the premise.

DIRECTORY SIGN shall mean an on-premises sign identifying an activity, operational feature, or business name upon such premise. Directory signs shall include building names, offices, or activities in same size letters, colors and general design and shall be limited to one sign per street entrance.

DISCONTINUED SIGN (See "Sign, Abandoned")

DOUBLE-FACED SIGN shall mean a sign constructed to display its message on the outer surfaces of two identical and opposite parallel planes. This does not include "V-type signs".

DWELL TIME shall mean the duration or interval of time during which each individual advertisement or message is displayed on any sign which is capable of sequentially displaying more than one advertisement or message on its display surface.

ELECTRONIC MESSAGE SIGN shall mean a sign that uses changing lights to form a sign message or messages wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes.

EXTERNALLY ILLUMINATED SIGN shall mean a sign whose illumination is derived entirely from an external source.

FACADE shall mean the entire building front, including the parapet.

FENCE SIGN shall mean a sign attached to or painted on a fence.

FLASHING SIGN shall mean a sign, which, by method or manner of illumination, flashes on or off, winks, or blinks with varying light intensity, shows motion, or creates the illusion of being on or off.

FREESTANDING SIGN shall mean any sign supported by uprights or braces placed on or in the ground, which is used principally for advertising or identification purposes and is not supported by any building.

FRONTAGE shall mean the length of the property line of anyone premises along a public right of way on which it borders. A building or building complex which lacks frontage on a public right of way or buildings located on a private street have "internal frontage".

GAS STATION PRICE SIGN shall mean a changeable copy or electronic sign advertising fuel prices.

GOVERNMENT SIGN shall mean any temporary or permanent sign erected and maintained by the City, County, State, or Federal government, or in conjunction with the City, for public information,



traffic control or for designation of or direction to any school, hospital, historic site, or public service, property, or facility.

GROUND MONUMENT SIGN shall mean a sign mounted directly to the ground.

HAZARDOUS SIGN shall mean a sign that by reason of design, inadequate maintenance, dilapidation, or obsolescence, or placement creates a hazard to the public health, safety and welfare.

HOLIDAY DECORATION SIGN shall mean a temporary sign, in the nature of decorations, clearly customary and commonly associated with federal, state, local, or religious holidays and contains no commercial message.

IDENTIFICATION SIGN shall mean a sign giving the nature, logo, trademark, or other identifying symbol; address; or any combination of the name, symbol, and address of a building, business, development, or establishment on the premises where it is located.

ILLEGAL SIGN shall mean any of the following:

a sign erected without first obtaining a permit and complying with all regulations in effect at the time of its construction or use; (2) a sign that was legally erected but whose use has ceased because the business it identifies is no longer conducted on the premises; (3) a nonconforming sign for which the amortization period has expired; (4) a sign that was legally erected but which later became nonconforming and then was damaged to the extent of 50 percent or more of its current replacement value; (5) a sign that is a danger to the public or is unsafe; (6) an abandoned or obsolete sign; or (7) a sign that pertains to a specific event that has not been removed within 48 hours after the occurrence of the event.

ILLUMINATED SIGN shall mean a sign illuminated in any manner by an artificial light source.

INCIDENTAL SIGN shall mean a sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as “no parking,” “entrance,” “loading only,” “telephone,” and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental. Incidental signs may be either attached or painted on the wall.

INDIRECTLY ILLUMINATED SIGN shall mean illumination of a sign that is affected by a source of light not contained within the sign itself.

INFLATABLE SIGN shall mean any sign designed or constructed with the ability to be mechanically filled with air or gas that displays a commercial message or an identifiable corporate character or logo.

INTERNAL SIGN shall mean a sign that is not visible or not intended to be viewed from outside the building.

INTERNALLY ILLUMINATED SIGN shall mean a sign that is illuminated by means of a light source in the interior of the sign so that light passes through the face of the sign.

KIOSK SIGN shall mean a freestanding bulletin board or information sign structure having more than two sides that is meant to provide announcements or direction to the public.

LOGO SIGN shall mean signs owned and operated by an agent for the Nebraska Department of Roads. The signs are located in the right-of-way on interstate or primary highways. The signs are designed to accommodate businesses that furnish gas, food, lodging, or camping and meet any criteria established by the Nebraska Department of Roads.

MAINTENANCE shall mean the cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.

MARQUEE SIGN shall mean any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.



**Sign, Ground Monument
Sign, Changeable Copy**

MENU-BOARD SIGN shall mean a permanently mounted sign displaying the bill of fare for a drive-through restaurant.

MOBILE/VEHICLE SIGN shall mean a sign mounted on a motor vehicle, or trailer, or other framework, not permanently attached to a pole, building or other structure.

MONUMENT SIGN shall mean a sign mounted directly to the ground with a maximum height not to exceed 10 feet.

MOVING SIGN shall mean any sign which in part or in total rotates, revolves, or otherwise is in motion.

NAMEPLATE SIGN shall mean a sign not exceeding two square feet for each dwelling.

NEON SIGN shall mean a sign containing glass tube lighting in which a gas and phosphors are used in combination to create a colored light.

NON-CONFORMING SIGN shall mean any sign that does not conform to the requirements of this ordinance

OBSOLETE SIGN shall mean a sign that advertises a business no longer in existence or a product no longer offered for sale and has advertised such business or product for a period of six months after the termination of the existence of such business or the termination of sale of the product advertised.

OFF-PREMISES SIGN shall mean a sign including the supporting sign structure which directs the attention of the general public to a business, service, or activity not usually conducted, or a product not offered or sold, upon the premises where such sign is located.

ON-PREMISES SIGN shall mean a sign, display, or device-advertising activities conducted on the property on which such sign is located.

OPEN SIGN shall mean a sign attached to or hung from a marquee, canopy, or other covered structure, projecting from and supported by the building and extending beyond the building wall, building line, or street lot line.

OUTDOOR ADVERTISING shall include the definitions of "Advertising Structure" and "Sign".

PAINTED WALL SIGN shall mean a sign applied to a building wall with paint or similar substances on the face of a wall and which has no sign structure. A "Painted Wall Sign" is considered to be a wall mounted sign for calculation purposes.

PARAPET SIGN shall mean a sign attached to that portion of a building's exterior wall that projects above the plate line of a building.

PENNANT SIGN shall mean any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

PERMANENT SIGN shall mean a sign attached to a building, structure, or the ground in some manner that requires a permit and which is made of materials intended for long-term use.

POLE SIGN shall mean a sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is six feet or more above grade.

POLITICAL SIGN shall mean a sign identifying and urging voter support for a particular election issue, political party, or candidate for public office.

PORTABLE SIGN shall mean a sign, usually of a temporary nature, not securely anchored to the ground or to a building or structure and which obtains some or all of its structural stability with respect to wind or other normally applied forces by means of its geometry or character. Examples are: menu and sandwich board signs, balloons used as signs, umbrellas used for advertising, and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations (deliveries and transportation of personnel) of the business. This definition also includes any and all sandwich boards supported by human beings or animals.

PROJECTING SIGN shall mean a projecting sign attached to a building in such a manner that its leading edge extends more than eight inches beyond the surface of such building or wall.

PUBLIC/TRAFFIC INFORMATION SIGN shall mean a sign, usually erected and maintained by a public agency that provides the public with information and in no way relates to a commercial activity. Such signs include but are not limited to, speed limit signs, stop signs, city limit signs, welcome signs, street name signs, vehicle identification signs, pedestrian wayfinding signs, and destination and directional signs.

REAL ESTATE SIGN shall mean a temporary sign that identifies property or properties that are for sale or lease.

ROOF LINE shall mean the top edge of the roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys, or minor projections.

ROOF SIGN shall mean a sign identifying the name of a business, enterprise, or the product sold on the premises and erected on and over the roof of a building and extending vertically above the highest portion of the roof.

ROOF (INTEGRAL) SIGN shall mean any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches. Such signs will be treated as a wall sign.

ROTATING SIGN shall mean a sign which in its entirety or in part moves in a revolving or similar manner. Such motion does not include methods of changing copy.

SANDWICH BOARD SIGN shall mean an advertising or business ground sign constructed in such a manner as to form an "A" or a tent-like shape, hinged or not hinged at the top; each angular face held at an appropriate distance by a supporting member.

SEARCHLIGHT SIGN shall mean a searchlight that is used to announce, direct attention to, or advertise businesses.

SIGN shall mean and include any outdoor sign, display, declaration, device, figure, drawing, illustration, message, placard, poster, billboard, insignia, or other things which are designed, intended, or used for direction, information, identification, or to advertise, to inform, or to promote any business, product activity, service, or any interest, except the following:

1. A name plate or sign designating location, direction, information, or identification, providing the surface area or face of such sign does not exceed 10 square feet.
2. Sign less than 25 square feet in surface area advertising activities conducted on the premise, products grown, made, or produced on the premise.
3. Signs less than 50 square feet in area and less than 25 feet in height of a public or quasi-public nature or other official notices that are authorized by the State of Nebraska, City of North Bend, or a Federal Government Agency, directional, informational, or other official signs or notices authorized by law.

SIGN AREA of a sign on which copy can be placed but not including the minimal supporting framework or bracing. The area of individually painted letter signs, individual letter signs or directly or indirectly illuminated individual letter signs, shall be calculated on the basis of the smallest geometric figure that will enclose the entire copy area of the sign. Any such calculation shall include the areas between the letters and lines, as well as the areas of any devices, illuminated or non-illuminated.

SIGN BASE shall mean any structural element extending upward from grade to the base of the sign.

SIGN COPY shall mean any combination of letters or numbers which are intended to inform, direct or otherwise transmit information.

SIGN COPY AREA shall mean the area of the sign occupied by sign copy. It is computed by measuring the area enclosed by straight lines drawn to enclose the extremities of the letters or numbers.



Sign, Projecting

SIGN FACE shall mean the area or display surface used for the sign copy or message.

SIGN GROSS AREA shall mean the entire area within a single continuous perimeter enclosing the extreme limits of a sign. However, this perimeter shall not include any structural elements lying outside of the limits of the sign and not forming an integral part of the display.

SIGN HEIGHT shall mean the vertical distance measured from the highest point of the sign, excluding embellishments of not more than five feet in height above the sign, to the average ground grade beneath the sign.

SIGN SETBACK shall mean the horizontal distance from the property line to the nearest projection of the existing or proposed sign.

SIGN STACKING shall mean the placing of one sign above another at the same location.

SIGN STRUCTURE shall mean the base, supports, uprights, bracing, or framework of any structure exhibiting a sign, be it single-faced, double-faced, or V-type or otherwise.

SIGN SURFACE shall mean the entire area of a sign.

SIGNAGE PLAN shall mean a scaled or dimensioned graphic representation showing a comprehensive detailed presentation of all signage proposed for a particular lot.

SNIFE SIGN shall mean an off-premises sign that is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or to other objects.

SPECIAL EVENT SIGN shall mean a sign advertising display that is temporary in nature, is not permanently attached to the ground, building or sign structure surface, and is used for special events, such as, but not limited to, grand openings, seasonal sales, liquidations, going-out-of-business sales, fire sales, and promotions.

STATIC DWELL TIME (see Dwell Time)

STATIC MESSAGE shall mean an advertisement or message which, when displayed contains no motion, flashing, changeable copy, running lights, variations in brightness, or animation.

SUBDIVISION ENTRANCE SIGN shall mean a sign that is permanently constructed at the entrance(s) of the subdivision and includes the name of the subdivision in the form of attached letters or sign. The subdivision entrance sign may include specific types of landscaping such as water, stone, brick, etc.

SUBDIVISION IDENTIFICATION SIGN shall mean a freestanding or ground monument style sign identifying a recognized subdivision, condominium complex, or residential development.

SUSPENDED SIGN shall mean a sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

TEMPORARY PORTABLE SIGN shall mean a movable reusable sign structure made of durable material, mounted on wheels and towed or on a rigid frame and trucked, which is regularly and periodically moved from parcel to parcel.

TEMPORARY SIGN shall mean a sign constructed of cloth, fabric, or other material with or without a structural frame intended for a limited period of display, including displays for holidays or public demonstrations. Temporary signs shall include portable signs as defined in this section. Examples are: menu and sandwich board signs, inflatable signs, balloons used as signs, umbrellas used for advertising, and signs attached to or painted on vehicles or trailers parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations (deliveries and transportation of personnel) of the business. This definition also includes any and all sandwich boards supported by human beings or animals.



TETHERED SIGN shall mean a sign which is anchored by a rope, wire, chain or similar method.

TIME AND TEMPERATURE SIGN shall mean an electrically controlled sign which contains only public service, time, temperature, and/or date information.

TRANSITION TIME shall mean the duration or interval of time between which each individual advertisement or message is displayed on any sign which is capable of sequentially displaying more than one advertisement or message on its display surface.

TOURIST ORIENTED DIRECTIONAL SIGN shall mean a sign owned and operated by a contracted agent of the Nebraska Department of Roads and located in the right-of-way on rural highways and cannot be erected on the interstate or interchanges on expressways. These signs shall meet all applicable criteria established by the Nebraska Department of Roads.

VIDEO SIGN shall mean any on-premises or off-premises sign that conveys either a commercial or non-commercial message, including a business or organization name, through means of a television or other video screen. This definition shall include electronic message board signs.

WALL SIGN shall mean any sign attached parallel to, but within eight inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.















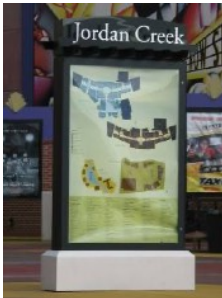

WARNING SIGN shall mean a sign located on a property posting such property for warning or prohibitions on parking, trespassing, hunting, fishing, swimming, or other activity.



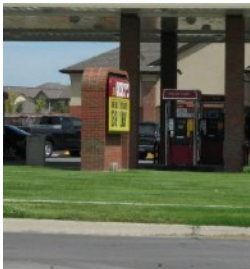








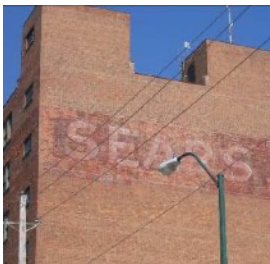


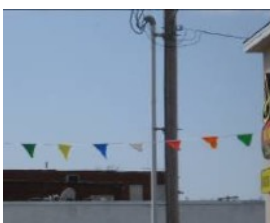





WINDOW SIGN shall mean any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, which is placed inside a window or upon the windowpanes or glass and is visible from the exterior of the window.



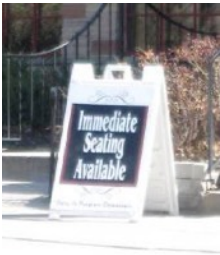
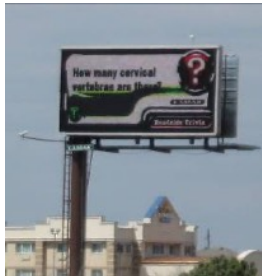
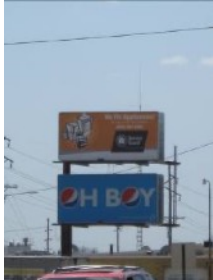







Subdivision Sign

Illustrative Definitions

 <p>2001 CATERPILLAR 725 \$390 HOURS A/C, AWD \$199,500</p> <p>Mid Country Machinery, Inc.</p>	 <p>BRIGHTON GARDENS ASSISTED LIVING A SPECIALIZED SOCIAL LIVING COMMUNITY</p>		 <p>SUBWAY NOW OPEN ANY 6" SUB FOR \$1.99</p>
	 <p>WE HAVE NEW GAMES AND CONSOLES</p>	 <p>CORDON - TERRACE A.P.T.S 4157 - 4165</p>	
 <p>BELTON TOWNE CENTER KOHLS Epplebee's</p>	 <p>PHILLIPS 66 1.39 4.43 FOUR-CRACK WASH</p>	 <p>THE BATTLE OF WHITE OAK CREEK AUGUST 18, 1861</p>	 <p>Nebraska 17TH & N RESIDENCE HALL PROJECT</p>
 <p>ZOO MUSEUM OF HISTORY UNIV OF NEBR MORRILL HALL</p>	 <p>← DILLARD'S ← JENNEMY ← BEARS ← VOLUNTEERS</p>	 <p>Jordan Creek</p>	

 <p>Electronic Message Sign</p>	 <p>Freestanding Sign</p>	 <p>Gas Station Price Sign</p>	 <p>Identification Sign</p>
 <p>Ground Monument Sign</p>	 <p>Incidental Sign</p>	 <p>Inflatable Sign</p>	 <p>Kiosk Sign</p>
 <p>Marquee Sign</p>	 <p>Menu-Board Sign</p>	 <p>Off-Premises Sign</p>	 <p>Painted Ghost Wall Sign</p>
 <p>Painted Wall Sign</p>	 <p>Parapet Sign</p>	 <p>Pennant Sign</p>	 <p>Pole Sign</p>
 <p>Political Sign</p>	 <p>Projecting Sign</p>	 <p>Public/Traffic Information Sign</p>	 <p>Real Estate Sign</p>

 <p>Roof Sign</p>	 <p>Roof (integrated) Sign</p>	 <p>Sandwich Board Sign</p>	 <p>Sign, Digital</p>
 <p>Sign Stacking</p>	 <p>Subdivision Identification Sign</p>	 <p>Suspended Sign</p>	 <p>Wall Sign</p>
 <p>Warning Sign</p>	 <p>Window Sign</p>		

Section 7.02 Standard of Measurement

- 7.02.01 The total area of all signs permitted on a lot shall include:
1. The total area of the faces of all permanent exterior signs visible from a public way, plus
 2. The area of permanent signs placed upon the surface of windows and doors, plus
 3. The area within the outline enclosing the lettering, modeling or insignia of signs integral with the wall and not designed as a panel.
- 7.02.02 A building or use having frontage on a second street may include 20% of the length of the lot facing the second street.

Section 7.03 Design Criteria and Limitations

- 7.03.01 Real Estate. Not more than 2 signs per lot may be used as a temporary sign no larger than 6 square feet (except, TA may be up to 32 square feet) and set back 20 feet from the road right of way or road easement boundary.
- 7.03.02 Announcement. Small announcement or professional signs, not over 6 square feet in area, except that an announcement sign or bulletin board not over 18 square feet in area, set back at least 20 feet from any highway, street, road, or roadway easement may be erected in connection with any of the permitted principal uses of a nonresidential nature.
- 7.03.03 Wall. A sign or sign flat against a building appertaining to a nonconforming use on the premises, not exceeding in the aggregate 50 square feet in area except as may be authorized by the Board of Adjustment.
- 7.03.04 Name plate. One nameplate not exceeding 2 square feet for each dwelling.

7.03.05 Billboard. Billboards, signboards, and other similar advertising signs are subject to the same height and location requirements as other structures in the district and also subject to the following conditions and restrictions.

1. No billboard, signboard, or similar advertising signs shall be located at intersections so as to obstruct vision, hearing, or interfere with pedestrian or vehicular safety.
2. No billboard, signboard, or similar advertising signs shall be located within 50 feet of any lot in a residential district.
3. No billboard, signboard, or similar advertising signs shall exceed 700 square feet in area.

4. No billboard, signboard, or similar advertising signs shall be constructed or located where it will unreasonably interfere with the use and enjoyment of adjoining property.

7.03.06 Ground. Ground signs at least 5 feet from any lot line with a maximum height of 6 feet.

7.03.07 Projecting or Pole. One free standing or projecting sign for each enterprise on the premises of not more than 100 square feet per sign face, at no point closer to the front line or a sideline than one-half of the required building setback distance, and not exceeding 50 feet in height from the established grade level. The lowest horizontal projecting feature of any post or pole mounted sign shall be eight feet above the established grade level.

7.03.08 Signs hung from canopies and awnings shall be no closer than 80 inches from the bottom edge of the sign to grade below.

7.03.09 Sign type, District Permitted

1. Signs shall be permitted in the various districts according to the following schedule:

Zoning District	FW	TA	R-1	R-2	R-3	R-M	C-1	C-2	C-3	F-1	I-1
Sign Type											
Building Marker	-	+	+	+	+	+	+	+	+	+	+
Identification	-	+	+	+	+	+	+	+	+	+	+
Temporary	-	+	+	+	+	+	+	+	+	+	+
Incidental	-	+	+	+	+	+	+	+	+	+	+
Real Estate	-	+	+	+	+	+	+	+	+	+	+
Wall	-	+	-	-	-	-	+	C	+	+	+
Canopy	-	+	-	-	-	-	C	C	C	+	+
Window	-	+	-	-	-	-	+	+	+	+	+
Projecting	-	-	-	-	-	-	+	+	+	+	+
Name Plate	-	+	+	+	+	+	+	+	+	+	+
Monument	-	C	C	C	C	C	+	-	+	+	+
Billboard	-	C	-	-	-	-	-	-	-	C	C
Subdivision	-	+	+	+	+	+	C	-	C	-	-
Marquee	-	-	-	-	-	-	+	-	+	-	-
Freestanding	-	C	-	-	-	-	+	-	+	+	+
Pole	-	C	-	-	-	-	-	-	C	C	C

+: permitted -: not permitted C: Conditional Use

Section 7.04 Other Signage Provisions

7.04.01 **Signs in the Public Right-of-Way**

No signs shall be allowed in the public right-of-way, except for the following:

1. **Permanent Signs.** Permanent signs, including:
 - A. Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, advertise community events, and direct or regulate pedestrian or vehicular traffic;
 - B. Bus stop signs erected by a transit company
 - C. Informational signs of a public utility regarding its poles, lines, pipes, or facilities; and
 - D. Awning, projecting, and suspended signs projecting over a public right-of-way in conformity with the conditions of this Article.

7.04.02 **Temporary Signs**

Temporary signs for which a permit has been issued in accordance with the Master Fee Schedule shall be issued only for signs meeting the following criteria:

1. Such signs shall not be in place for more than seven consecutive days;

2. No more than four temporary permits shall be issued to an individual use in a calendar year;
3. Any violation of this Section may void any future requested permits;
4. No temporary sign shall be of such size, message, or character so to harm the public, health, safety or general welfare.
5. The provisions of this section shall also apply to Banner Signs that are promotional in nature.

7.04.03 **Emergency Signs (Permitted)**

1. Emergency warning signs erected by a governmental agency, public utility company, or a contractor doing authorized or permitted work within the public right-of-way.

7.04.04 **Other Signs Forfeited**

1. Any sign installed or placed on public property, except in conformance with the requirements of this section, shall be forfeited to the public and subject to confiscation. In addition, to other remedies hereunder, the City shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.

7.04.05 **Signs Exempt from Regulation under this Ordinance**

The following signs shall be exempt from regulation under this ordinance:

1. Any public notice or warning required by a valid and applicable federal, state, or local law, regulation or ordinance;
2. Any religious institution;
3. Any sign identifying a public facility or public / civic event, including city and schools;
4. Any sign inside a building, not attached to a window or door, which is not legible from a distance of more than three feet beyond the lot line of the zone lot or parcel on which such sign is located
5. Holiday lights and decorations with no commercial message;
6. Traffic control signs on private property, such as Stop, Yield, and similar signs, the face of which meets the Manual on Uniform Traffic Control Devices standards and which contain no commercial message of any sort; and
7. A political sign exhibited in conjunction with the election of political candidates. All such political signs shall not be erected more than 30 days before the election and shall be removed no later than seven days after the election.

ARTICLE 8: SUPPLEMENTAL REGULATIONS

Section 8.01 Off-Street Automobile Storage

- 8.01.01 Off-street automobile storage or standing space shall be provided on any lot on which any of the following uses are hereafter established; such space shall be provided with vehicular access to a street or an alley. For the purpose of computing the number of parking spaces available in a given area, the ratio of 250 square feet per parking space shall be used. The following are the minimum requirements for specific uses:
1. Dwellings - Two (2) spaces for each dwelling unit.
 2. Tourist Accommodations - One (1) space for each room offered for tourist accommodations.
 3. Apartments, Townhouses, and two or more unit multi-family dwellings - 1.0 per each sleeping unit.
1. If vehicle storage space or standing space required in Section 8.01.01 cannot be reasonably provided on the same lot on which the principal use is conducted in the opinion of the Zoning Administrator, the Zoning Administrator may permit such space to be provided on other off-street property, provided such space lies within 400 feet of an entrance to such principal use. Such vehicle standing space shall be deemed to be a required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.
 2. All parking spaces for Single-family, Rooming houses, convalescent homes, Apartments, Townhouses, and two or more unit multi-family dwellings, and Mobile Homes shall be paved with asphalt or concrete.
 3. Where calculations in accordance with the foregoing list result in requiring a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space.
 4. In Districts R-1, R-2, and R-3, required off-street parking shall be provided in the same lot that the use is located on. In other Districts, such parking may be provided either on the same lot, or an adjacent or other lot, provided the lot on which the use requiring them is located is not separated by more than 300 feet at closest points, measured along a street or streets.
 5. Where off-street parking is located on a lot other than the lot occupied by the user, which requires it, site plan approval for both lots is required.
 6. Some uses may require two different use types to be calculated together in order to determine the total parking requirement (Example: Primary schools may require a tabulation for classrooms and assembly areas).
 7. In the C-2 Downtown Commercial District, shall not be required, unless the use is placed on an individual lot with no structures on the same block. In this district, when off-street parking is required, on-street parking within 400 feet of the use, may be computed so as to be included in the total required off-street parking, except apartments.
 8. For Public Uses within a Residential District, on-street parking within 400 feet of the use, may be computed so as to be included in the total required off-street parking, except apartments.
- 8.01.09 Commercial establishments providing drive-in or drive-through services shall provide minimum on-site stacking distances as provided below:

TYPES OF OPERATION	MINIMUM STACKING SPACE
Financial Institution – Electronic Teller	Two vehicles per lane*

Financial Institution – Personal Teller		Three vehicles per window or kiosk*
Car Wash – Self Service		Two vehicles per bay at entrance*
		One vehicle per bay at exit
Car Wash – Automatic / Conveyor		200 feet per bay at entrance*
		One vehicle per bay at exit
Drive-through Restaurant		Four vehicles per window*
Coffee Kiosk		
-	Drive side service	Four vehicles per lane*
-	Passenger side service	Two vehicles per lane*
Drive-through Pharmacy		Two vehicles per lane*
Service Stations		
-	Service Islands	Two vehicles per pump lane*
-	Service bay	One vehicle per bay*
-	Quick lube / Oil change “starting gate design”	Two vehicles per bay*
-	(4 or more pump islands side by side, 18 feet apart	One vehicle per lane*
Gated parking lot entrance		One vehicle per gate
Garage Unit or Overhead door	(Major streets only)	One vehicle per door
Other uses		Two vehicles per lane being serviced

* Stacking requirements are in addition to vehicle being served.

Required vehicle stacking shall not block driveways or required parking stalls and shall not be located inside, front, or rear yards where parking stalls are prohibited. Each vehicle stacking unit shall be 22 feet long. Required stacking may be reduced by approval of the City Council following site plan review by the Planning Commission. Site plan review must demonstrate that circulation and loading patterns accommodate adequate space for queuing and temporary parking by users during peak hours of operation.

8.01.10 Requirements for types of buildings and uses not specifically listed herein shall be determined by the Zoning Administrator, after receiving a report and recommendation from the Zoning Administrator, based upon comparable uses listed.

Section 8.02 Schedule of Minimum Off-Street Parking and Loading Requirements

Use	Parking Requirements
Adult entertainment establishments	One space per two persons of licensed capacity
Agricultural Sales / Service	One space per 500 s.f. of gross floor area
Amusement Arcades	One space for each 100 s.f. of gross floor area, in addition to one space for each employee on the max. shift
Animal Specialty Services	One space per 300 sq. ft. of gross floor area
Assisted-living facilities	One space per dwelling unit plus one space per employee on the largest shift
Automotive Rental / Sales	One space per 500 s.f. of gross floor area
Automotive Repair Services	Three spaces per repair stall
Bars, Taverns, Nightclubs	Parking equal to 30 percent of licensed capacity
Boarding Houses / Bed and Breakfasts	One space per rental units

Bowling Alleys	Four spaces per alley
Campground	One space per camping unit
Churches, Synagogues, and Temples	One space per three seats in main worship area
Social Clubs, fraternal organizations	One space per 500 s.f. of gross floor area
College/University	Eight spaces per classroom plus one space per employee
Commercial Recreation	One space per three persons of licensed capacity
Communication Services	One space per 500 s.f. of gross floor area
Construction Sales / Service	One space per 500 s.f. of gross floor area
Convalescent and Nursing Home Services	One space per three beds plus one per employee on the Largest shift
Convenience Store with limited fuel sales	One space per 200 s.f. of gross floor area; spaces adjacent to fuel pump are included in total number
Day Care (Child Care Center)	One space per employee plus one space or loading stall per each ten persons of licensed capacity
Discount Retail Sales Establishments	One space per 300 s.f. of gross floor area
Duplex	Two spaces per dwelling unit
Educational Uses, Primary facilities – Kindergarten, Elementary School, Junior High	Two spaces per classroom
Educational Uses, Secondary facilities –High School	10 spaces per classroom plus one space per employee
Equipment Rental / Sales	One space per 500 s.f. of gross floor area
Food Sales (general)	One space per 200 s.f. of gross floor area
Food Sales (limited)	One space per 300 s.f. of gross floor area
Funeral Homes and Chapels	Eight spaces per reposing room
General Retail Sales establishments	One space per 200 s.f. of gross floor area
Group Care Facility	One space per four persons of licensed capacity
Group Care Home	One space per four persons of licensed capacity
Guidance Services	One space per 300 s.f. of gross floor area
Health Club	One space per 200 s.f. of gross floor area, plus one space for each employee on peak shift.
Hospitals	One space per two licensed beds
Hotels and Motels	One space per rental unit, plus one space per employee on largest shift
Industrial Uses and Flex Space	.75 times the maximum number of employees during the largest shift
Laundry Services	One space per 200 s.f. of gross floor area
Libraries	One space per 500 s.f. of gross floor area
Medical Clinics	Five spaces per staff doctor, dentist, chiropractor
Mobile Home Park	Two per dwelling unit
Multi-family / Apartments / Condominiums	One and a half spaces per bedroom for efficiencies and one bedroom units, otherwise one space per bedroom. Note: This does not include detached garages.
Offices and Office Buildings	One space per 200 s.f. of gross floor area
Recreational Facilities	One space per four occupants or, in the case of a nonstructural facility, one space per four persons the facility is intended to accommodate.
Residential (Single-family, attached and detached)	Two spaces per dwelling unit with one required to be enclosed

Restaurants (General)	Parking equal to 30 percent of licensed capacity
Restaurants w/ drive-thru	Greater of the two: One space per 40 s.f. of dining area, or One space per 150 s.f. of gross floor area; plus, five staking spaces for drive-thru window.
Roadside stands	Four spaces per stand
Service Oriented Establishments	One space per 200 s.f. of gross floor area
Special and Vocational Training	One space per 500 s.f. of gross floor area
Theaters, Auditoriums, and Places of Assembly	One space per three persons of licensed capacity
Veterinary Establishments / Pet Health Services	Three spaces per staff doctor
Warehousing	One per 2,000 s.f. of gross floor area
Wholesaling / Distribution Operations	One space per two employees on the largest shift

Gross Floor Area of Use (sq. ft.)	Number of Required Loading Spaces
5,000 or less	None
5,001 – 25,000	1
25,001 – 75,000	2
75,001 – 150,000	3
Over 150,000	4 plus one for each additional 100,000 s.f

Section 8.03 Off-street Parking: Shared Parking Requirements

- 8.1.1. Notwithstanding the provisions of Section 8.02, in cases of shopping centers having 400,000 or more square feet of gross floor area and where parking and building patterns are such that overlapping uses of a majority of the total number of parking spaces in the center is likely to occur, compliance with the standard retail parking ratios may be decreased by the Zoning Administrator after a recommendation by the Planning Commission.
- 8.1.2. Where convention centers, conference centers, assembly halls, ballrooms, or other similar facilities are built in conjunction with a hotel, office park, or shopping center, the Zoning Administrator, after receiving a recommendation from the Planning Commission may permit the construction of fewer parking spaces, due to overlapping usage of a portion of the parking spaces. Said request for a decrease in parking spaces.

Section 8.04 Off-Street Parking: Parking for Individuals with Disabilities

1. 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 accessible spaces shall be provided in each parking area in conformance with the table in this section. Spaces required by the table need not be provided in the particular lot. They may be provided in a different, if equivalent or greater accessibility, in terms of distance from an accessible entrance, cost and convenience, is ensured.

Total Parking Spaces	Required Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6

201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 percent of the total
1,001 and over	20 plus 1 for each 100 over 1,000

8.04.02 Except as provided to Section 8.04.02 (1) of this Ordinance, access aisles adjacent to accessible spaces shall be 60 inches (1525 mm) wide minimum.

1. One in every eight accessible spaces, but not less than one, shall be served by an access aisle 96 inches (2440 mm) wide minimum and shall be designated “van accessible” as required by Section 8.04.04 of this Ordinance. The vertical clearance at such spaces shall comply with 8.04.04 of this Ordinance. All such spaces may be grouped on one level of a parking structure.

Parking access aisles shall be part of an accessible route to the building or facility entrance. Two 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.

2. If passenger-loading zones are provided, then at least one passenger loading zone shall comply with 8.04.06 of this Ordinance.
3. At facilities providing medical care and other services for persons with mobility impairments, parking spaces complying with 8.04 of this Ordinance shall be provided in accordance with 8.04.02 (1) of this Ordinance; except as follows:
 - A. Outpatient units and facilities: 10 percent of total number of parking spaces provided serving each such outpatient unit or facility;
 - B. Units and facilities that specialize in treatment or services for persons with mobility impairments: 20 percent of the total number of parking spaces provided serve each such unit or facility.
4. Valet parking: valet parking facilities shall provide a passenger loading zone complying with 8.04.02 of this Ordinance located on an accessible route to the entrance of the facility. Sections 8.04.01, 8.04.02, and 8.04.03 of this Ordinance do not apply to valet parking.

8.04.03 Location of accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent car park to an accessible entrance.

1. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility.
2. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located close to the accessible entrances.

8.04.04 Signage of accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility. Spaces complying 7.02.02 (1) shall have an additional sign “Van Accessible” mounted below the symbol of accessibility. Such signs shall be located so they cannot be obscured by a vehicle parked in the space.

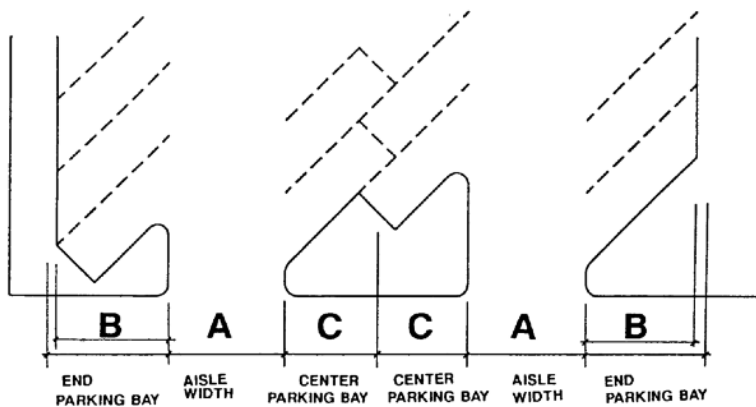
8.04.05 Minimum vertical clearance of 114 inches (2895mm) at accessible passenger loading zones and along at least one vehicle access route to such areas from site entrance(s) and exit(s). At parking spaces complying with 8.03.02 (1), provide minimum vertical clearance of 98 inches (2490mm) at the parking space and along at least one vehicle access route to such spaces from site entrance(s) and exit(s).

8.04.06 Passenger Loading Zones shall provide an access aisle at least 60 inches (1525mm) wide and 20 feet (240inches) (6100mm) long adjacent and parallel to the vehicle pull-up space. If there are curbs between the access aisle and the vehicle pull-up space, then 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.

Section 8.05 Off-Street Parking Design Criteria

8.05.01 Standard parking stall dimensions shall not be less than nine feet by 20 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 an 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



8.05.02 Minimum dimensions for a parallel parking space shall be nine feet by 23 feet

8.05.03 Minimum parking dimensions for other configurations or for parking lots with compact car spaces shall be determined by the Planning Commission and City Council upon recommendation of the Zoning Administrator and City Engineer

Section 8.06 Home Occupations

The following are the minimum standards required for a Home Occupation:

- 8.06.01 No external evidence of the home occupation with the exception of one unlighted nameplate of not more than two square foot in area attached flat against the building located on local or collector streets. However, four square feet in area may be attached flat against the building located on arterial streets.
- 8.06.02 Advertising displays and advertising devices displayed through a window of the building shall not be permitted.
- 8.06.03 No more than 50 percent of the home can be used for home occupation. This percentage is inclusive of any detached accessory buildings used for Home Occupations.
- 8.06.04 Home occupations shall employ no more than one full-time or part-time employee on-site other than the residents of the dwelling unit, provided that one off-street parking space is made available and used by the non-resident employee.
- 8.06.05 Unless expressly permitted by a conditional use permit, no retail sales are permitted from the site other than incidental sales related to services provided.
- 8.06.06 No exterior storage (including storage within detached buildings/garages) is permitted.
- 8.06.07 Additional off-street parking may be required for the business.
- 8.06.08 If home occupation is for a business office for services rendered at another location then not more than two (2) business or employee vehicles parked on or adjacent to the home occupation property at any one time; provided only one said vehicle may be allowed to park on street right-of-way. Construction or maintenance equipment shall not be stored on the property other than in an enclosed garage; provided one (1) piece of equipment shall be counted as one (1) of the two (2) business or employee vehicles allowed. For the purpose of enforcement of the home occupation

- provisions of this ordinance, a piece of construction equipment parked on a trailer shall be counted as a single business vehicle. A trailer being pulled by another vehicle, however, shall be counted as two (2) vehicles. Personal vehicles of occupants of the residential dwelling shall not be included in the count of number of business or employee vehicles.
9. No offensive noise, vibration, smoke, odor, heat, or glare shall be noticeable at or beyond the property line.
 10. Conditional use permit is required, except for Home Occupation II uses and Family Child Care Home I uses.
 11. Family Child Care Homes and Child Care Centers shall require a certificate signed by the State of Nebraska Fire Marshall.
 12. All fees shall be paid in accordance with the Master Fee Schedule.
 13. All activities within a home occupation must be able to operate on normal household utilities including electricity.
 14. All businesses related to Child Care Homes and Child Care Centers shall be in accordance with Nebr. R. R. S. 1943, Sec. §71-1902. All business related to Adult Care Centers shall be in accordance with all applicable state statutes.

Section 8.07 Wireless Communication Towers

8.07.01 Intent:

Based upon the Communications Act of 1934, as amended by the Telecommunications Act of 1996 (the Act) grants the Federal Communications Commission (FCC) exclusive jurisdiction over certain aspects of telecommunication services. This section is intended to regulate towers, telecommunications facilities and antennas in the City in conformance with the Act without prohibiting or tending to prohibit any person from providing wireless telecommunication service. Telecommunication facilities, towers and antennas in the City's jurisdiction, to protect residential areas and land uses from potential adverse impact of installation of towers and antennas through careful design, siting, and camouflaging, to promote and encourage shared use / collocation of towers and other antenna support structures rather than the construction of additional single use towers, to avoid potential damage to property caused by towers, telecommunications facilities and antennas by ensuring such structures are soundly and carefully designed, constructed, modified, maintained, repaired and removed when no longer used or are determined to be structurally unsound and to ensure that towers and antennas are compatible with surrounding land uses.

8.07.02 Definitions:

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

1. **ANTENNA** shall mean a device, designed and intended for transmitting or receiving television, radio, or microwave signals, direct satellite service (including direct-to-home satellite service), and/or video programming services via multi-point distribution services.
2. **ANTENNA SUPPORT STRUCTURE** shall mean any building or structure other than a tower which can be used for the location of telecommunications facilities.
3. **APPLICANT** shall mean any person that applies for a Tower Development Permit.
4. **APPLICATION** shall mean a process by which the owner of a tract of land within the zoning jurisdiction of the City submits a request to develop, construct, modify, or operate a tower upon such tract of land. The term application includes all written documentation, verbal statements, and representations, in whatever, formal forum, made by an applicant to the City concerning such request.
5. **CONFORMING COMMERCIAL EARTH STATION** shall mean a satellite dish which is two meters or less in diameter and is located in an area where commercial or industrial uses are generally permitted under this ordinance.
6. **ENGINEER** shall mean any engineer qualified and licensed by any state or territory of the United States of America.
7. **OWNER** shall mean any person with a fee simple title or a leasehold exceeding 10 years in duration to any tract of land within the zoning jurisdiction of the City who desires to develop, construct, modify, or operate a tower upon such tract of land.

8. **PERSON** shall mean any person, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not for profit.
9. **SATELLITE DISH ANTENNA** shall mean an antenna consisting of a radiation element intended for transmitting or receiving television, radio, microwave, or radiation signals and supported by a structure with or without a reflective component to the radiating dish, usually circular in shape.
10. **STEALTH** shall mean any telecommunications facility, tower, or antenna which is designed to enhance compatibility with adjacent land uses, including, but not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and towers designed to look other than a tower, such as light poles, power poles and trees.
11. **TELECOMMUNICATIONS FACILITIES** shall mean any cables, wires, lines, wave guides, antennas, or any other equipment or facilities associated with the transmission or reception of communications which a person seeks to locate or has installed upon or near a tower or antenna support structure. However, telecommunications facilities shall not include:
 1. Any Conforming Commercial Earth Station antenna two meters or less in diameter which is located on real estate zoned TA, RE, MUC, HC, GC, I-1 or I-2.
 2. Any earth station antenna or satellite dish antenna of one meter or less in diameter, regardless of zoning applicable to the location of the antenna.
12. **TOWER** shall mean a self-supporting lattice, guyed, or monopole structure which supports Telecommunications Facilities. The term Tower shall not include non-commercial amateur radio operator's equipment as licensed by the FCC or structure supporting an earth station antenna serving residential premises or dwelling units exclusively.
13. **TOWER DEVELOPMENT PERMIT** shall mean a permit issued by the City upon recommendation of the Planning Commission and approval by the City Council of an application to develop a tower within the zoning jurisdiction of the City; which permit shall continue in full force and effect for so long as the tower to which it applies conforms to this Section. Upon issuance, a Tower Development Permit shall be deemed to run with the land during the permits duration and may be transferred, conveyed, and assigned by the applicant to assigns and successors-in-interest. A tower development permit shall follow the same procedure as a conditional use permit and be administered the same.
14. **TOWER OWNER** shall mean any person with an ownership interest of any nature in a proposed or existing tower following the issuance of a Tower Development Permit.

8.07.03 **Location of Towers and Construction Standards**

1. Towers shall be permitted by conditional use of land in only those zoning districts where specifically listed and authorized in this ordinance.
2. No person shall develop, construct, modify or operate a tower upon any tract of land within the zoning jurisdiction of the City prior to approval of its application for a Tower Development Permit by the City Council and issuance of the permit by the City. Applicants shall submit their application for a Tower Development Permit to the Zoning Administrator and shall pay a filing fee in accordance with the Master Fee Schedule.
3. Towers shall not be permitted in the Mixed Use Overlay District.
4. All towers, telecommunications facilities and antennas on which construction has commenced within the zoning jurisdiction of the City after the effective date of this ordinance shall conform to the Building Codes and all other construction standards set forth by the City, County, federal, and state law and applicable American National Standards Institute (ANSI). Upon completion of construction of a tower and prior to the commencement of use, an engineer's certification that the tower is structurally sound and in conformance with all of the aforementioned applicable regulatory standards shall be filed with the Zoning Administrator.

8.07.04 **Application to develop a Tower**

Prior to commencement of development or construction of a tower, an application shall be submitted to the Zoning Administrator for a Tower Development Permit and shall include the following:

1. Name, address, and telephone number of the owner and if applicable, the lessee of the tract of land upon which the tower is to be located. Applicants shall include the owner of the tract of land and all people having an ownership interest in the proposed tower. The application shall be executed by all applicants.
2. The legal description and address of the tract of land on which the tower is to be located.

3. The names, addresses and telephone numbers of all owners of other towers or usable antenna support structures within a one mile radius of the proposed tower, including publicly and privately owned towers and structures.
4. An affidavit attesting to the fact that the applicant has made diligent but unsuccessful efforts to obtain permission to install or collocate the applicants telecommunications facilities on a tower or useable antenna support or written technical evidence from an engineer that the applicants telecommunications facilities cannot be installed or collocated on another tower or useable antenna support structure.
5. Written technical evidence from an engineer that the proposed tower will meet the established Building Code, and all other applicable construction standards set forth by the City Council and federal and state and ANSI standards.
6. Color photo simulations showing the proposed location of the tower with a photo-realistic representation of the proposed tower as it would appear viewed from the nearest residentially used and / or zoned property and nearest roadway, street or highway.
7. Descriptions and diagrams of the proposed tower, telecommunications facilities and/or antenna, manufacturers literature, appurtenances such as buildings, driveways, parking areas, and fences or other security enclosures with significant detail to allow persons reviewing the application to understand the kind and nature of the proposed facility.

8.07.05 Tower Development Permit: Procedure

After receipt of an application for a Tower Development Permit, the City shall schedule a public hearing before the Planning Commission, following all Statutory requirements for publication and notice, to consider such application. The Planning Commission shall receive testimony on the Tower Development Permit and shall make a recommendation to the City Council. Upon the completion of the Planning Commission Public Hearing the City shall schedule a public hearing before the City Council, following all Statutory requirements for publication and notice, to consider such application and the recommendation of the City Planning Commission. Notice, for each Public Hearing, shall be made at least one time and at least 10 days prior to such hearing. In addition, the City shall cause notice to be posted in a conspicuous place on the property on which action is pending. Such notice shall conform to Section 6.03 of this ordinance. The Planning Commission and City Council may approve the Tower Development Permit as requested in the pending application with any conditions or safeguards it deems reasonable and appropriate based upon the application and / or input received at the public hearings or deny the application. In all zoning districts in which towers are permitted conditional use of land, the Tower Development Permit shall be deemed a conditional use permit for said tract of land.

8.07.06 Setbacks and Separation or Buffer Requirements

1. All towers up to 50 feet in height shall be setback on all sides a distance equal to the underlying setback requirement in the applicable zoning district. Towers in excess of 50 feet in height shall be set back one foot for each foot of tower height in excess of 50 feet. The height of the tower shall be measured from the grade at the foot of the base pad to the top of any telecommunications facilities or antennas attached thereto. Setback requirements shall be measured from the base of the tower to the property line of the tract of land on which it is located.
2. Towers exceeding 100 feet in height may not be located in any residentially zoned district and must be separated from all residentially zoned districts and occupied structures other than those utilized by the tower owner, by a minimum of 200 feet or 100 percent of the height of the proposed tower, whichever is greater.
3. Towers of 100 feet or less in height may be located in residentially zoned districts provided said tower is separated from any residential structure, school, church, and/or occupied structures other than those utilized by the tower owner, by a minimum of 100 percent of the height of the tower.
4. Towers must meet the following minimum separation requirements from other towers:
 - A. Monopole tower structures shall be separated from all other towers, whether monopole, self-supporting lattice, or guyed by a minimum of 750 feet.
 - B. Self-supporting lattice or guyed towers shall be separated from all other self-supporting lattice or guyed towers by a minimum of 1,500 feet.

8.07.07 Structural Standards for Towers Adopted

The *Structural Standards for Steel Antenna Towers and Antenna Supporting Structures*, 1991 Edition (ANSI/EIA/TIA 222-E-1991) is hereby adopted, together with any amendments thereto as may be made from time to time, except such portions as are hereinafter deleted, modified, or amended by regulation and set forth in this Article of the Zoning Regulation.

8.07.08 Illumination and Security Fences

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

8.07.09 **Exterior Finish**

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

8.07.10 **Landscaping**

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

8.07.11 **Maintenance, Repair or Modification of Existing Towers**

All towers constructed or under construction on the date of approval of this ordinance may continue in existence as a non-conforming structure and may be maintained or repaired without complying with any of the requirements of this Section. Non-conforming structures or uses may not be enlarged or the degree of nonconformance increased without complying with this Section, including applying for and obtaining a Tower Development Permit. Any modification or reconstruction of a tower constructed or under construction on the date of approval of this ordinance shall be required to comply with the requirements of this Section including applying for and obtaining a Tower Development Permit. Said application shall describe and specify all items which do not comply with this Section and may request, subject to final review and approval of the City Council, an exemption from compliance as a condition of the Tower Development Permit.

8.07.12 **Inspections**

The City reserves the right to conduct inspection of towers, antenna support structures, telecommunications facilities and antenna upon reasonable notice to the tower owner or operator to determine compliance with this Section and to prevent structural and equipment failures and accidents which may cause damage, injuries or nuisances to the public. Inspections may be made to determine compliance with the City's Building Codes and any other construction standards set forth by the City, federal and state law or applicable ANSI standards. Inspections shall be made by either the Zoning Administrator, or a duly appointed independent representative of the City.

8.07.13 **Maintenance**

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

8.07.14 **Abandonment**

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

8.07.15 **Satellite Dish Antennas, Regulation**

Upon adoption of this ordinance, installation of satellite dish antennas shall be permitted within the zoning jurisdiction of North Bend only upon compliance with the following criteria and the issuance of a permit:

1. In residentially zoned districts, satellite dish antennas may not exceed a diameter of 10 feet.

2. Single family residences may not have more than one satellite dish antenna over 3 feet in diameter.
3. Multiple family residences with 10 or less dwelling units may have no more than one satellite dish antenna over three feet in diameter. Multiple family residences with more than 10 dwelling units may have no more than two satellite dish antennas over three feet in diameter.
4. In residential zoning districts, satellite dish antennas shall not be installed in the required front yard setback or side yard setback area.
5. All satellite dish antennas installed within the zoning jurisdiction of North Bend, upon adoption of this ordinance, shall be of a neutral color such as black, gray, brown, or such color as will blend with the surrounding dominant color in order to camouflage the antenna.

8.07.16 Amateur Radio Towers and facilities, Regulation

All amateur radio antennas, towers, and associated facilities not in compliance with the provisions for accessory structures within individual zoning districts shall comply with the standards of Section 8.07.

8.07.17 Severability

If any clause, subsection, or any other part of this Section shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Section shall not be affected thereby but shall remain in full force and effect.

Section 8.08 Keeping of Animals

Animals may be kept within the zoning jurisdiction of the City of North Bend subject to the following restrictions:

1. No bees or livestock including but not limited to sheep, goats, cattle or swine shall be allowed within R-1, R-2, R-3 or R-M residential zoning districts or commercial zoning districts, within all other zoning districts, please refer to the individual district for additional regulations.
- 8.08.02 The keeping of birds or fowl in the TA zoning district shall be subject to the following conditions:
1. All birds or fowl shall be confined to the property of the owner of said birds or fowl.
 2. All birds or fowl shall be kept at least 50 feet from any property line.
- 8.08.03 No bird or fowl shall be allowed within residential or commercial zoning districts. Grandfather rights shall be granted upon application to the City so that this section will not apply to bird or fowl owned, kept or harbored prior to the adoption of this section, subject to the following conditions:
1. No more than two fowl of any one species or a total of more than five fowl shall be allowed on any one residence or dwelling unit. All fowl shall be confined to the premises of the residence or dwelling unit of the person owning, keeping or harboring such fowl.
- 8.08.04 Horses and other members of the horse family shall be allowed on any piece of property zoned Transitional Agricultural (TA) and containing at least one acre of land. Two such animals are allowed on the first acre and an additional animal is allowed for each additional two acres of land.
- 8.08.05 The keeping of dogs, cats, rabbits, pigeons and household pets shall be a permitted accessory use in residential and commercial districts subject to the regulations for kennels as defined in Article 2 of this Ordinance and the provision found in the North Bend Municipal Code. For the purposes of this section, a "household pet" is any animal or creature kept inside a residential dwelling not outside, and in no event shall include any of the following: any live monkey (non-human primate), raccoon, skunk, fox, poisonous or dangerous insect or reptile, leopard, panther, tiger, lion, lynx, or any other warm-blooded animal or other exotic animal which can normally be found in the wild state. The keeping of pigeons is subject to the following conditions.
1. Such birds shall be banded with some form or identification.
 2. Such birds shall be confined in sanitary, secure structures subject to inspection and approval by the City of North Bend.
 3. No more than 10 such birds shall be allowed on any one piece of property.
 4. Trained pigeons may be exercised under supervision of owner or trainer and be trained to recall on command.
 5. A permit for the keeping of such birds shall be obtained from the City of North Bend.
- 8.08.06 The restrictions contained in this section shall not apply to any pet store or veterinary services.

Section 8.09 Solar Panels

No solar panel shall be constructed within the residential zoning jurisdiction of the City of North Bend unless a permit therefore is approved and issued by the Zoning Administrator and is constructed in conformance with the following requirements. For those devices that include electrical, plumbing and

heating constructions, the applicable permits shall also be obtained. Solar panels shall meet the following requirements.

- 8.09.01 **Lot and Height Requirements:** Solar panels shall conform to the required front, side and rear lot setback requirements except as provided herein:
1. A solar panel which is attached to an integral part of the principal building may project two feet into the front yard; six feet into the rear yard; and two feet into the side yard.
 2. A solar panel which is freestanding may be located only in the required rear yard provided it does not exceed six feet in height and is located not less than five feet from the rear lot line and not closer than one foot to any existing easement as measured from the closest point of the structure including its foundation and anchorage's, nor shall the solar panel be located in the required side yard or front yard.
- 8.09.02 **Structural Requirements:** The physical structure and connections to existing structures shall conform to the applicable North Bend building codes.
- 8.09.03 **Plot Plan:** The application for a permit shall be accompanied by a plot plan drawn to scale showing property lines, existing structures on the lot, proposed solar panel location with respect to property lines, and dimensions of the proposed solar panel.
- 8.09.04 **Permit Fee:** A permit fee is required. This permit fee shall be paid prior to the issuance of the building permit. The amount of the fee shall be as established in the Master Fee Schedule.
- 8.09.05 **Pre-existing Solar Panels:** Notwithstanding noncompliance with the requirements of this section, a solar panel erected prior to September 18, 1985, pursuant to a valid building permit issued by the City, may continue to be utilized so long as it is maintained in operational condition.

Section 8.10 Performance Standards for Industrial Uses

The following standards shall be met unless there are greater standards required by the United States Environmental Protection Agency or the Nebraska Department of Environmental Quality.

- 8.10.01 **Physical Appearance:** All operations shall be carried on within an enclosed building except that new materials or equipment in operable condition may be displayed or stored in the open, if the applicable zoning district permits. Normal daily wastes of an inorganic nature may be stored in containers not in a building when such containers are not readily visible from a street. The provisions of this paragraph shall not be construed to prohibit the display of merchandise or vehicles for sale or the outdoor storage of vehicles, boats, farm machinery, trailers, mobile homes, or similar equipment when in operable condition. However, allowable outdoor storage or display shall be visually screened from public roadways and residential properties.
- 8.10.02 **Fire hazard:** No operation shall involve the use of highly flammable gases, acid, liquids, grinding processes, or other inherent fire hazards. This provision shall not be construed to prohibit the use of normal heating fuels, motor fuels and welding gases when handled in accordance with other regulations of the City of North Bend.
3. **Noise:** No operation shall be carried on which involves noise in excess of the normal traffic noise of the adjacent street at the time of the daily peak hour of traffic volume or in excess of eighty (80) decibels, whichever is greater. Noise shall be measured at the property line and when the level of such noise cannot be determined by observation with the natural senses, a suitable instrument may be used and measurement may include breakdowns into a reasonable number of frequency ranges.
- 8.10.04 **Exterior Lighting:** Exterior lighting, when used, shall enhance the building design and the adjoining landscape. Building fixtures shall be of a design and size compatible with the building and adjacent areas. Lighting shall be restricted in design and excessive brightness avoided. Lighting shall be designed to a standard that does not impact adjoining properties, especially residential areas and public rights-of-way__0.
- 8.10.05 **Sewage and Liquid Wastes:** No operation shall be carried on which involves the discharge of waste into a storm sewer, water course, or the ground; nor should any liquid waste of any radioactive or poisonous nature or chemical waste which are detrimental to normal sewage plant operation or corrosive and damaging to sewer pipes and installations be dumped into wastewater sewerage.
6. **Air Contaminants:**

1. Air Contaminants and smoke shall be less dark than designated Number One on the Ringleman Chart as published by the United States Bureau of Mines, except that smoke of a density designated as Number One shall be permitted for one four minute period in each one-half hour. Light colored contaminants of such a capacity as to obscure an observer's view to a degree equal to or greater than the aforesaid shall not be permitted
2. Particulate matter of dust as measured at the point of emission by any generally accepted method shall not be emitted in excess of two tenths (0.2) grains per cubic foot as corrected to a temperature of 500 degrees Fahrenheit, except for a period of four minutes in any one-half hour, at which time it may equal but not exceed six tenths (0.6) grains per cubic foot as corrected to a temperature of 500 degrees Fahrenheit.
3. Due to the fact that the possibilities of air contamination cannot reasonably be comprehensively covered in this section, there shall be applied the general rule that there shall not be discharged from any sources whatsoever such quantities of air contaminants or other material in such quantity as to cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public in general; or to endanger the comfort, repose, health, or safety of any such considerable number of persons or to the public in general, or to cause, or have a natural tendency to cause injury or damage to business, vegetation, or property.
4. **Odor:** The emission of odors that are generally agreed to be obnoxious to any considerable numbers of persons, shall be prohibited. Observations of odor shall be made at the property line of the establishment causing the odor. As a guide to classification of odor it shall be deemed that strong odors of putrefaction and fermentation tend to be obnoxious and that such odors as associated with baking or the roasting of nuts and coffee shall not normally be considered obnoxious within the meaning of this ordinances.
5. **Gases:** The gasses sulfur dioxide and hydrogen sulfide shall not exceed five parts per million, carbon monoxide shall not exceed five parts per million. All measurements shall be taken at the zoning lot line.
6. **Vibration:** All machines including punch presses and stamping machines shall be so mounted as to minimize vibration and in no case shall such vibration exceed a displacement of three thousandths (0.003) of an inch measured at the zoning lot line. The use of steam or broad hammers shall not be permitted in this zone.
7. **Glare and heat:** All glare, such as welding arcs and open furnaces shall be shielded so that they shall not be visible from the zoning lot line. No heat from furnaces or processing equipment shall be sensed at the zoning lot line to the extent of raising the temperature of air or materials more than five degrees Fahrenheit.

Section 8.11 Self-Storage Units / Convenience Storage Units

- 8.11.01 Minimum lot size of the Self-Storage facility shall be two acres. Area may be reduced to 8,700 square feet if the Self-Storage Facility only provides access to individual units internally within a structure.
- 8.11.02 Activities within the facility shall be limited to the rental of storage cubicles and the administration and maintenance of the facility.
- 8.11.03 All driveways, parking, loading and vehicle circulation areas shall be paved with concrete, asphalt, or asphaltic concrete. All driveways within the facility shall provide a paved surface with a minimum width of 25 feet.
- 8.11.04 All storage must be within enclosed buildings and shall not include the storage of hazardous materials.
- 8.11.05 No storage may open into the front yards.
- 8.11.06 Facilities must maintain landscape buffer yards of 50 feet adjacent to any public Right-of-Way and 20 feet adjacent to other property lines, unless greater setbacks are required, a total of 35 percent of all buffers shall be landscaped. Internal access only Self-Storage facilities may waive the landscaping buffer requirements if in compliance with the base zoning district.
- 8.11.07 Height limitations shall require a maximum height of 20 feet for any structure in the facility.
- 8.11.08 The perimeter of each facility shall be fully enclosed by fencing or screen walls. Perimeter fencing shall be provided at a minimum of six feet and maximum of eight feet in height, of material approved by the Zoning Administrator. Fencing shall be constructed behind the required buffer yards. Internal access only Self-Storage facilities may waive the fencing or screen wall requirements if in compliance with the base zoning district.

Section 8.12 Auto Wrecking Yards, Junk Yards Salvage Yards and Scrap Processing Yards

- 8.12.01 The use shall be located on a tract of land at least 300 hundred feet from a residential district.
- 8.12.02 The operation shall be conducted wholly within a noncombustible building or within an area completely surrounded by a solid fence or wall at least eight feet high.

- 8.12.03 The fence or wall shall be uniform in height, texture, and color, and shall be so maintained by the proprietor as to ensure maximum safety to the public, obscure the junk from normal view of the neighborhood.
- 8.12.04 The fence or wall shall be installed in such a manner as to retain all scrap, junk or other material within the yard. No scrap, junk or other salvaged materials may be piled or stacked so to exceed the height of the enclosing fence or wall.
- 8.12.05 No junk shall be loaded, unloaded or otherwise placed either temporarily or permanently outside the enclosed building, fence or wall, or within the public Right-of-Way.
- 8.12.06 Burning of paper, trash, junk or other materials shall be prohibited.

Section 8.13 Funeral, Mortuary or Crematory Services

- 8.13.04 These uses shall be located on a collector or arterial street.

Section 8.14 Wind Energy Conversion Systems

- 8.14.01 Purpose:

It is the purpose of this ordinance to promote the safe, effective and efficient use small wind energy systems installed to reduce the on-site consumption of utility supplied electricity and of commercial/utility grade wind energy systems and that such systems are appropriately sited within the zoning jurisdiction of the City of North Bend

- 8.14.02 Definitions:

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

1. **A-weighted Sound Level (dba)**: a measurement of sound pressure level, which has been filtered or weighted to progressively de-emphasize the importance of frequency components below 1,000 Hz and above 5,000 Hz. This reflects the fact that human hearing is less sensitive at low frequencies and at extremely high frequencies, relative to the mid-range of the frequency spectrum. This area of sensitivity also corresponds to the human speech band. This measurement is the most commonly used filter in both industrial noise applications (governed by OSHA) and community noise regulations.
2. **Aggregate Project** shall mean projects that are developed and operated in a coordinated fashion, but which have multiple entities separately owning one or more of the individual WECS within the larger project. Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity but are also part of the aggregated project.
3. **Applicant**: A property owner, or any person or entity acting as an agent for the property owner, in an application for a WECS Permit under this Article.
4. **Blade Glint**: The intermittent reflection of the sun off the gloss surface of wind turbine blades.
5. **Building-Mounted Wind Turbine (BMWT)**: a wind energy conversion system consisting of a wind turbine mounting system and associated control or conversion electronics and which is mounted to a building and intended to primarily reduce on-site consumption of utility power.
6. **Commercial Wind Energy Conversion System (CWECS)**: an electrical generating facility comprised of one or more wind turbines and accessory facilities generating capacity, including but not limited to: power lines, transformers, substations and meteorological towers that operate by converting the kinetic energy of wind into electrical energy. The energy generated will be used by a utility company for off-site use. A wind energy conversion system of equal to or greater than 100 kW in total name plate generating capacity.
7. **Decibel (db)**: The measurement of a sound pressure relative to the logarithmic conversion of the sound pressure reference level often set as 0 dbA. In general, this means the quietest sound we can hear is near 0 dbA and the loudest we can hear without pain is near 120 dbA. Most sounds in the typical day-to-day environment range from 30 dbA to 100 dbA. Normal speech at 3 feet averages about 65 dbA.
8. **FAA**: Federal Aviation Administration.
9. **Fall Zone** shall mean the area, defined as the furthest distance from the tower base, in which a guyed tower will collapse in the event of a structural failure. This area is less than the total height of the structure.
10. **FCC**: Federal Communications Commission.

11. **Feeder Line** shall mean any power line that carries electrical power from one or more wind turbines or individual transformers associated with individual wind turbines to the point of interconnection with the electric power grid, 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.
12. **Furling**: A design characteristic of a wind turbine intended to limit its power output in high winds by changing the rotor's plane of rotation to a plane that is not perpendicular to the prevailing wind direction.
13. **Hub Height**: the distance measured from ground level to the centerline of the rotor.
14. **Ice Throw**: Ice build-up that is thrown by the spinning turbine blades.
15. **Meteorological Tower** shall mean, for purposes of this ordinance, a tower, including the tower, base plate, anchors, guy cables and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment, data loggers, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location. Meteorological towers do not include towers and equipment used by airports, the Nebraska Department of Roads, or other applications to monitor weather conditions.
16. **Micro-Wind Energy Conversion System** shall mean a Wind Energy Conversion System of 1 kW nameplate generating capacity or less and utilizing supporting towers of 40 feet or less.
17. **Nacelle**: A cover housing that holds all of the generating components of a WECS, such as the gearbox, drive train, rotor shaft, and brake assembly.
18. **Operator**: The person or entity responsible for the day-to-day operation and maintenance of the WECS.
19. **Public Conservation lands** shall mean land owned in fee title by State or Federal agencies and managed specifically for conservation purposes, including but not limited to State Wildlife Management Areas, State Parks, Federal Wildlife Refuges and Waterfowl Production Areas. For purposes of this ordinance, public conservation lands will also include lands owned in fee title by non-profit conservation organizations, Public conservation lands will also include private lands upon which conservation easements have been sold to public agencies or non-profit conservation organizations.
20. **Pure Tone**: A sound whose instantaneous sound pressure is a simple sinusoidal function of the time and is characterized by a single frequency or singleness of pitch. For the purpose of these regulations, a pure tone shall exist if the one-third octave band sound pressure level in the bandwidth of the tone exceeds the arithmetic average of the sound pressure levels on the two contiguous one-third octave bands by five db for center frequencies of 500 Hz and above, and eight db for center frequencies between 160 and 400 Hz, and by 15 db for center frequencies less than or equal to 125 Hz.
21. **Residential Wind Energy Conversion System (RWECS)**: a wind energy conversion system consisting of a wind turbine, tower, and associated control or conversion electronics, and which is intended to primarily reduce on-site consumption of utility power. A system is considered a residential wind energy system only if it supplies electrical power solely for on-site use, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.
22. **Rotor**: The rotating part of a turbine, including the blades.
23. **Rotor Diameter** shall mean the diameter of the circle described by the moving rotor blades.
24. **Sensitive Receptor**: Structures that have occupants on a routine basis and whose occupants could be negatively affected by noise, vibration, shadow, or flicker, including those structures intended for four season human habitation (whether inhabited or not), public parks, state designated wildlife areas, the manicured areas of private recreational establishments such as golf courses or the campsites in a state approved campground, schools, daycare centers, elderly care facilities, hospitals, places of public assembly, and businesses.

25. **Shadow Flicker:** When the blades of an operating wind turbine pass between the sun and an observer, casting a readily observable, moving shadow on the observer and his or her immediate environment.
 26. **Small Wind Energy Conversion System (SWECS):** a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, and which will be used primarily to reduce on-site consumption of utility power. Such a system has a rated capacity of not more than 100 kW and which is intended to primarily reduce on-site consumption of utility power.
 27. **Stall Control:** A braking mechanism on wind turbines where the rotor blades are bolted onto the hub at a fixed angle. The rotor blade profile is aerodynamically designed to ensure that the moment the wind speed becomes too high it creates turbulence on the side of the rotor blade which is not facing the wind. This stall prevents the lifting force of the rotor blade from acting on the rotor.
 28. **Substations** shall mean any electrical facility to convert electricity produced by wind turbines to a voltage greater than 35,000 (35,000 KV) for interconnection with high voltage transmission lines.
 29. **Total Height** shall mean the highest point, above ground level, reached by a rotor tip or any other part of the Wind Energy Conversion System.
 30. **Tower** shall mean the vertical structures that support the electrical, rotor blades, or meteorological equipment.
 31. **Tower Height** shall mean the total height of the Wind Energy Conversion System exclusive of the rotor blades.
 32. **Transmission Line** shall mean the electrical power lines that carry voltages of at least 69,000 volts (69 KV) and are primarily used to carry electric energy over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers.
 33. **Turbine, or Wind Turbine:** see “Wind Energy Conversion System.”
 34. **Upwind Rotor:** A design in which the rotor on a wind turbine tower faces into the wind.
 35. **Well-designed Braking System:** The primary braking system, which uses a mechanical brake, pitch-control of the turbine blades, or stall-control to bring the turbine to a stop in such a way that stall-induced vibrations/noise are avoided.
 36. **Wind Energy Conservation System (WECS)** shall mean an electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to: power lines, transformers, substations and meteorological towers that operate by converting the kinetic energy of wind into electrical energy. The energy may be used on-site or distributed into the electrical grid.
 37. **Wind Energy Conversion System (WECS) Facility:** An electric generating facility, whose main purpose is to supply electricity, consisting of one or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.
 38. **Wind Turbines** shall mean any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy using airfoils or similar devices to capture the wind.
- 8.14.03 Requirements for Residential Wind Energy Conversion System (RWECS):
Residential wind energy systems shall be permitted as conditional use within any district where the use is listed and allowed. Certain requirements as set forth below shall be met. See Section 8.14.07 for regulations on building mounted wind turbines.
1. Wind energy towers shall to the extent possible blend into the surrounding environment and architecture, including painting to reduce visual obtrusiveness. The City Zoning Administrator may require a photo of an RWECS system of the same model that is the subject of the landowner’s application adjacent to a building or some other object illustrating scale (e.g., manufacturer’s photo).

2. RWECS shall not be artificially lit unless required by the FAA or another appropriate authority.
3. No tower should have any sign, writing, or picture that may be construed as advertising.
4. RWECS shall not exceed 60 dBA, as measured at the closest property line. The level, however, may be exceeded during short-term events such as utility outages and/or severe windstorms.
5. An RWECS shall be located on a parcel that is at least one-half (1/2) acre in size.
6. The applicant shall provide information demonstrating that the system will be used primarily to off-set on-site consumption of electricity. No residential wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
7. The minimum distance between the ground and any protruding blades utilized on an RWECS shall be 20 feet, as measured at the lowest point on the arc of the rotor. The supporting tower shall also be enclosed with a six foot tall fence or the base of the tower shall not be climbable for a distance of 12 feet.
8. Compliance with FAA regulations: An RWECS must comply with applicable regulations of the Federal Aviation Administration, including any necessary approvals for installations close to airports.
9. Compliance with the International Building Code: Building permit applications for an RWECS shall be accompanied by standard drawings of the wind turbine structure, including the tower base, and footings. An engineering analysis of the tower showing compliance with the International Building Code and certified by a professional engineer licensed in the State of Nebraska shall also be submitted.
10. Compliance with National Electric Code: Building permit applications for an RWECS shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electric Code. This information may be supplied by the manufacturer.
11. Setbacks
 - A. See Section 8.14.07 for setbacks.
 - B. No part of the wind system structure, including guy-wire anchors, may extend closer than 10 feet to the property lines of the installation site
12. Tower Height

The applicant shall provide evidence that the proposed height of the RWECS does not exceed the height recommended by the manufacturer or distributor of the system.

 - A. The maximum tower height is 80, unless a greater restriction is imposed by FAA regulations.

8.14.04 Requirements for Small Wind Energy Conversion System (SWECS)

Small wind energy systems shall be permitted as a conditional use within any district where the use is listed and allowed. Certain requirements as set forth below shall be met. See Section 8.15.07 for regulations on building mounted wind turbines.

1. Small wind energy towers shall maintain a galvanized steel finish, unless FAA standards require otherwise, or if the owner is attempting to match the finish on the tower to the surrounding environment and architecture, in which case it may be painted to reduce visual obtrusiveness. The City Zoning Administrator may require a photo of an SWECS system of the same model that is the subject of the landowner's application adjacent to a building or some other object illustrating scale (e.g., manufacturer's photo).
2. SWECS shall not be artificially lit unless required by the FAA or another appropriate authority.
3. No tower should have any sign, writing, or picture that may be construed as advertising.
4. SWECS shall not exceed 60 dBA, as measured at the closest property line. The level, however, may be exceeded during short-term events such as utility outages and/or severe windstorms.
5. An SWECS shall be located on a parcel that is at least three (3) acres in size.
6. The applicant shall provide information demonstrating that the system will be used primarily to off-set on-site consumption of electricity. No residential wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
7. The minimum distance between the ground and any protruding blades utilized on an SWECS shall be 20 feet, as measured at the lowest point on the arc of the rotor. The supporting tower shall also be enclosed with a six foot tall fence or the base of the tower shall not be climbable for a distance of 12 feet.
8. Compliance with FAA regulations: An SWECS must comply with applicable regulations of the Federal Aviation Administration, including any necessary approvals for installations close to airports.
9. Compliance with the International Building Code: Building permit applications for an SWECS shall be accompanied by standard drawings of the wind turbine structure, including the tower base, and footings. An engineering analysis of the tower showing compliance with the

International Building Code and certified by a professional engineer licensed in the State of Nebraska shall also be submitted.

10. Compliance with National Electric Code: Building permit applications for an SWECS shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electric Code. This information may be supplied by the manufacturer.
11. Setbacks
 - A. See Section 8.14.07 for setbacks.
 - B. No part of the wind system structure, including guy-wire anchors, may extend closer than 10 feet to the property lines of the installation site.
12. Tower Height

The applicant shall provide evidence that the proposed height of the SWECS does not exceed the height recommended by the manufacturer or distributor of the system.

 - A. The maximum tower height is 120, unless a greater restriction is imposed by FAA regulations.

8.14.05 Requirements for Commercial/Utility Grade Wind Energy Systems

Commercial/Utility Grade wind energy systems shall be permitted as a Conditional Use within any district where the use is listed and allowed. The following requirements and information shall be met and supplied:

1. The name(s) of the project applicant.
2. The name of the project owner.
3. The legal description and address of the project.
4. A description of the project of the project including: Number, type, name plate generating capacity, tower height, rotor diameter, and total height of all wind turbines and means of interconnecting with the electrical grid.
5. Site layout, including the location of property lines, wind turbines, electrical grid, and all related accessory structures. This site layout shall include distances and be drawn to scale.
6. Engineer's certification from a professional engineer licensed in the State of Nebraska.
7. Documentation of land ownership or legal control of the property.
8. The latitude and longitude of individual wind turbines.
9. A USGS topographical map, or map with similar data, of the property and surrounding area, including any other Wind Energy Conversion System, within 10 rotor distances of the proposed CWECS not owned by the applicant.
10. Location of wetlands, scenic, and natural areas (including bluffs) within 1,320 feet of the proposed CWECS.
11. An Acoustical Analysis that certifies that the noise requirements within these regulations can be met.
12. FAA and FCC permit, if necessary. Applicant shall submit permit or evidence that the permit has been filed with the appropriate agency.
13. Location of all known Communication Towers within two miles of the proposed Wind Energy Conversion System and evidence that there will be no interference with any such commercial and/or public safety communications towers.
14. Decommissioning Plan as required by this ordinance.
15. Description of potential impacts on nearby Wind Energy Conversion Systems and wind resources on adjacent properties.
16. A CWECS shall be located on a parcel that is at least ten (10) acres in size.
17. Setbacks identified as required in Section 8.14.07

8.14.06 Aggregated Projects

1. Aggregated projects may jointly submit a single application and be reviewed under joint proceedings, including notices, public hearings, reviews and as appropriate approvals.
2. Permits may be issued and recorded separately.
3. Joint projects will be assessed fees as one project.

8.14.07 Setbacks

All towers shall adhere to the setbacks established in the following table:

	Wind Turbine – Non Commercial WECS (residential & small)	Wind Turbine – Commercial/Utility WECS	Meteorological Towers
Property Lines	1.1 times the total height or in an Agricultural or Transitional Agricultural Districts only. In other districts, the setback shall be the distance of the fall zone, as certified by a professional engineer, + 10 feet	1.25 times the total height.	The greater of: The fall zone, as certified by a professional engineer, + 10 feet or 1.1 times the total height.
Neighboring Dwelling Units*		750 feet	The greater of: The fall zone, as certified by a professional engineer, + 10 feet or 1.1 times the total height.
Road Rights-of-Way**	The greater of: The fall zone, as certified by a professional engineer, + 10 feet or one times the total height.	One times the height.	The greater of: The fall zone, as certified by a professional engineer, + 10 feet or one times the total height.
Other Rights-of-Way	The greater of: The fall zone, as certified by a professional engineer, + 10 feet or one times the total height.	The greater of: The fall zone, as certified by a professional engineer, + 10 feet or one times the total height.	The greater of: The fall zone, as certified by a professional engineer, + 10 feet or one times the total height.
Public conservation lands	NA	1320 feet	600 feet
Wetlands, USF Types III, IV, and V	NA	1320 feet	600 feet
Other structures	NA	The greater of: The fall zone, as certified by a professional engineer, + 10 feet or one times the total height.	The greater of: The fall zone, as certified by a professional engineer, + 10 feet or one times the total height.
Other existing WECS	NA	To be considered based on: <ul style="list-style-type: none"> • Relative size of the existing and proposed WECS • Alignment of the WECS relative to the predominant winds • Topography • Extent of wake interference impacts on existing WECS • Property line setback of existing WECS • Other setbacks required Waived for internal setbacks in multiple turbine projects including aggregated projects	
River Bluffs	NA	1,320 feet	NA

* The setback for dwelling units shall be reciprocal in that no dwelling unit shall be constructed within the same distance required for a commercial/utility Wind Energy Conversion System.

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

8.14.08 Special Safety and Design Standards

All towers shall adhere to the following safety and design standards:

1. Clearance of rotor blades or airfoils must maintain a minimum of 20 feet of clearance between their lowest point and the ground.
2. All CWECS shall have a sign or signs posted on the tower, transformer and substation, warning of high voltage. Other signs shall be posted on the turbine with emergency contact information.
3. All wind turbines, which are a part of a CWECS, shall be installed with a tubular, monopole type tower.
4. Consideration shall be given to painted aviation warnings on all towers less than 200 feet.
5. The design of the nacelles of turbines and towers shall not use designs or construction methods that provide perches for avian predators.
6. Turbine identification:
 - A. Each site access road shall be named according to the City street (or county road) naming convention;
 - B. Each individual turbine shall be designated with a numeric or alphanumeric identifier;
 - C. Each individual turbine shall be labeled with its respective identifier and the name of the access road it is located along; and
 - D. Signage shall be provided at the intersection of each access road with the public right-of-way indicating the towers that may be found along that access road, along with subsequent signage at each road intersection within the site further indicating the direction to specific towers.
7. Wind turbines that are not designed in “accordance with proven good engineering practices” shall be prohibited. Turbines designed with the following characteristics shall be deemed in “accordance with proven good engineering practices:”
 - A. at least 3 blades;
 - B. upwind rotor;
 - C. no furling;
 - D. tapered and twisted blades; and
 - E. a well-designed braking system.
8. Color and finish:
 - A. All wind turbines and towers that are part of a CWECS shall be white, grey or another non-obtrusive single color.
 - B. Blades may be black in order to facilitate deicing.
 - C. Finishes shall be matte or non-reflective.
 - D. CWECS shall not display advertising, except for reasonable identification of the manufacturer, facility owner or operator, which may be placed on the nacelle.
9. Visual Impact
 - A. To provide visual order to a WECS facility, all individual turbines shall have the same number of rotor blades and all rotor blades shall spin in the same direction (i.e., clockwise or counterclockwise) in relation to the wind.
 - B. To promote visual uniformity, all turbines at a similar ground elevation shall have the same height from blade tip to the ground.
 - C. Distinct groupings or clusters of wind turbines shall be limited to no more than 12 machines per cluster. A cluster shall be defined as a grouping of machines that are greater than 1,320 feet (¼ mile) from another grouping.
 - D. In light wind conditions, turbine rotor blades shall not be kept in a locked position except as necessary to meet operational or maintenance requirements;
 - E. Except during construction, re-construction or removal, outdoor storage is not permitted within the facility boundary except at locations that are screened from view, as shown on the approved site plan;
 - F. If turbines become inoperable for any reason, they shall be repaired as soon as reasonably possible;
 - G. To avoid cluttering the skyline, inverters and pendant power cables shall be located inside the wind turbine tower, nacelle or structure;
 - H. No telecommunications dishes, antennas, cellular telephone repeaters or other similar devices shall be attached to wind turbine towers;
 - I. The maximum total height of the turbines shall be 355 feet. Greater height, but not in excess of 400 feet, may be considered on a case by case basis if the applicant can sufficiently demonstrate that the increased height will result in increased energy efficiencies thereby reducing the overall number of turbines in the project. However, in all cases, due consideration shall be given to the scale of the turbines in relation to the surrounding landscape.
10. Lighting:
 - A. Lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by the FAA permits and regulations.

- B. Red strobe lights shall be used during nighttime illumination to reduce impacts on neighboring uses and migratory birds.
- C. Red pulsating incandescent lights shall be prohibited.
- 11. All signage shall comply with the sign regulations found in these regulations.
- 12. All communications and feeder lines installed as part of a CWECS shall be buried, where feasible.
- 13. No CWECS shall exceed 50 dbA at the nearest structure or use occupied by humans.
- 14. Controls and brakes:
 - A. All WECS shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode.
 - B. Stall regulation shall not be considered a sufficient braking system for overspeed protection.
- 15. Interference.
 - A. The applicant shall minimize or mitigate interference with any commercial or public safety electromagnetic communications, such as radio, telephone, microwaves, or television signals caused by any CWECS.
 - B. The applicant shall notify all communication tower operators within five miles of the proposed CWECS location upon application to the City for permits.
- 16. Roads, applicant shall:
 - A. Identify all city, county or townships streets/roads to be used for the purposes of transporting CWECS, substation parts, cement, and/or equipment for construction, operation or maintenance of the CWECS and obtain applicable weight and size permits from the impacted jurisdictions prior to construction.
 - B. Conduct a pre-construction survey, in coordination with the appropriate jurisdictions to determine existing road conditions. The survey shall include photographs and a written agreement to document the condition of the public road/facility.
 - C. Be responsible for restoring or paying damages as agreed to by the applicable jurisdiction sufficient to restore the road(s) and bridges to preconstruction conditions.
- 17. The applicant shall be responsible for immediate repair of damage to public drainage systems stemming from construction, operation or maintenance of the CWECS.
- 18. Solid and Hazardous wastes, including but not limited to crates, packaging materials, damaged or worn parts, as well as used oils and lubricants, shall be removed from the site promptly and disposed of in accordance with all applicable local, state and federal regulations.

8.14.09 Building-Mountable Wind Turbines (BMWT)

A BMWT and its essential support facilities shall be allowed as a permitted accessory use when attached to the principal structure in any zoning district subject to the following:

- 1. A simple site plan shall be submitted for each BMWT providing the following information:
- 2. Mounting location of the BMWT on the principal structure.
- 3. Description of the BMWT height and width, including a photo (if available) or other visual representation.
- 4. BMWT shall not exceed 60 dBA, as measured at the closest property line. The level, however, may be exceeded during short-term events such as utility outages and/or severe windstorms.
- 5. BMWT shall comply with the maximum height requirement of the zoning district in which it is located. Applicants proposing an installation higher than allowed by the zoning district in which it will be located may apply for a variance to the Zoning Board of Adjustment.
- 6. No BMWT may occupy, encroach or “overhang” any public right-of-way without the expressed approval of the City of North Bend.
- 7. Each BMWT installation shall require a separate building permit.

8.14.10 Noise and Shadow Flicker

- 1. Audible sound from a WECS facility shall not exceed 50 dbA if it is determined a pure tone is generated by the facility, as measured at the exterior of any occupied building on a non-participating landowner's property. Methods for measuring and reporting acoustic emissions from the WECS facility shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1 (1989) titled *Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier*.
- 2. The Facility owner and Operator shall make reasonable efforts to minimize shadow flicker to any occupied building on a non-participating landowner's property.

8.14.11 Use of Public Roads; Bond Required

The property owner of a CWECS facility shall be responsible for extraordinary maintenance and restoration of all City roads leading to the project site that may be damaged during construction or due to activities involving the CWECS facility unless the property owner can prove that operation of the CWECS facility was not the cause of the roadway damage. All maintenance and restoration

of roads shall be done with the approval of and to the satisfaction of the Public Works Director. The following information shall be submitted along with an application for a CWECs Permit:

1. Detailed maps of access and haul routes;
2. If weight and size permits are required by the Nebraska Department of Roads, a pre-construction baseline survey shall be provided to document and determine existing road conditions;
3. A report on potential road damage that may result from the construction and maintenance of the CWECs facility;
4. If, in the discretion of the Public Works Department, road damage may occur, a road damage mitigation plan and/or long-term road maintenance agreement shall be submitted, which shall include a bond, escrow, security agreement, or other form of guarantee approved by the City Attorney, in an amount determined by the Public Works Director to be sufficient to guarantee the necessary restoration or extraordinary maintenance required due to the construction or operation of the CWECs facility; and
5. If impacts may occur to public roads in other jurisdictions, the Applicant shall give notice to such other jurisdictions, providing information regarding road impacts, and submit to the Public Works Department proof that such notice was given.

8.14.12 Decommissioning Plan; Bond Required

1. The facility owner and operator shall, at its expense, complete decommissioning of the CWECs facility, or individual turbines, within six months after the end of the useful life of the facility or individual turbines. The CWECs facility or individual turbines will presume to be at the end of their useful life if no electricity is generated for a continuous period of 12 months. A decommissioning plan shall be submitted with an application for a CWECs permit, which shall document:
 - A. The removal of turbines, buildings, cabling, electrical components, roads, foundations to a depth of four feet within 180 days;
 - B. Grading and re-seeding all disturbed earth;
 - C. A report prepared by an independent professional engineer licensed in the State of Nebraska that estimates the total cost of decommissioning ("Decommissioning Costs") without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment ("Net Decommissioning Costs"). Said estimates shall be submitted to the City of North Bend after the first year of operation and every fifth year thereafter.
 - D. The facility owner or operator shall post and maintain Decommissioning Funds in an amount equal to Net Decommissioning Costs, provided, at no point shall Decommissioning Funds be less than 25 percent of Decommissioning Costs. The Decommissioning Funds shall be posted and maintained as a bond, escrow, security agreement, or other form of guarantee approved by the City Attorney.
 - E. If the facility owner or operator fails to complete decommissioning within the period prescribed herein, then the landowner shall have six months to complete decommissioning.
 - F. If neither the facility owner nor operator, nor the landowner complete decommissioning within the periods prescribed herein, then the City of North Bend may take such measures as necessary to complete decommissioning.
 - G. An easement allowing the City of North Bend access to the project site, pursuant to reasonable notice, to effect or complete decommissioning.
 - H. The escrow agent shall release the Decommissioning Funds when the facility owner or operator has demonstrated and the City of North Bend concurs that decommissioning has been satisfactorily completed, or upon written approval of the City of North Bend in order to implement the decommissioning plan.
 - I. An agreement that the City of North Bend is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the right to seek reimbursement from the facility owner or operator, or property owner, for decommissioning costs in excess of the amount guaranteed, and to file a lien against any real estate owned by the facility owner or operator, or property owner, or in which they have an interest, for the amount of the excess, and to take all steps allowed to enforce such lien.
2. Financial provisions shall not be so onerous as to render CWECs facilities unfeasible in the City of North Bend.

8.14.13 Repair; Abandonment; Removal

Small Wind Energy Conversion Systems: Any SWECS found to be unsafe by the Building Official shall be repaired by the owner to meet federal, state and local safety standards, or removed within six months. If any SWECS is not operated for a continuous period of 12 months, the City shall notify the landowner by registered mail that such SWECS is deemed abandoned and provide 45 days for a response. In their response, the landowner shall set forth reasons for the operational

difficulty and provide a timetable for corrective action not exceeding six months. If the corrective action is not completed within six months, the City shall notify the landowner that such SWECS shall be removed within 12 days of receipt of the notice.

8.14.14 Liability Insurance

For each CWECS facility, there shall be maintained a current general liability policy covering bodily injury and property damage with limits of at least \$1 million per occurrence and \$1 million in the aggregate. Copies of such certificates shall be made available to the City of North Bend upon request.

Section 8.15 Sand and Gravel, Mineral, Stone, Rock, and Soil Extraction and Quarries

8.15.01 The application shall include a grading map showing contours, proposed excavation contours, and proposed final grade contours.

8.15.02 The applicant shall identify the effect of the extraction on the groundwater table of the adjoining properties;

3. The application shall identify proposed vehicle and equipment storage areas;

8.15.04 Erosion controls, including retention and sediment basins shall be provided during extraction to prevent a change in the character of runoff onto adjacent land;

8.15.05 The surface shall be maintained in such a manner that surface waters do not collect or pond, unless specifically approved. Underground drainage may be supplied if it connects to an existing drainage facility;

8.15.06 Topsoil shall be collected and stored for redistribution on the site at the termination of the operation;

8.15.07 Excavation shall be conducted in such a way as not to constitute a hazard to any person, nor to the adjoining property. All cuts shall be returned to a slope of less than three to one (3-1) as soon as possible. Safety screening shall be required at the outer boundary of the site; visual screening will also be required where said boundary is adjacent to residential or recreational land;

8.15.08 Within one year after completion of the excavation on any portion of the site, the topography and soils shall be stabilized, and the land shall be graded, seeded, and sodded so as to prevent erosion and siltation, and to protect the health, safety, and general welfare of the public.

Section 8.16 Waste Disposal Sites and Landfills

A Conditional Use Permit may be granted for any waste material disposal, garbage disposal, or land fill operations in the designated zoning district; provided the following special conditions shall be considered:

8.16.01 The effects on the adjacent property, traffic, and

8.16.02 The public necessity and advantage

8.16.03 The maintenance of access routes related to all weather conditions and droppings of rubbish and litter

4. The effects on underground water quality

5. The immediate and long term effects on the environment and the public

6. The concerns for public safety

7. The application shall include documents to indicate conformance to all applicable governmental regulations and standards

The application shall include affidavits or permits from the Environmental Protection Agency and/or the Nebraska Department of Environmental Quality, in the event an approval is required by these agencies.

Section 8.17 Outdoor Storage Containers

A Conditional Use Permit may be granted for the use outdoor storage containers in the designated districts, provided the following conditions are met:

8.17.01 Outdoor Storage Containers

1. Number: Outdoor storage containers are limited to two containers per business or property in the TA and flex districts. Businesses or properties in the industrial district are limited to a maximum of 10 storage containers and account for no more than 50% of the property. The containers shall be calculated as the maximum lot coverage for the district.

2. Location: Containers shall be located to the rear 50 percent of the site, unless properly screened from the public right-of-way and adjacent properties. Containers shall not be located in any required setback or yard area, required landscape area, required drive aisle, driveway, or parking area. Containers shall not encroach upon spaces necessary to satisfy the minimum parking requirement, nor shall they block, impede, or divert traffic in or access to emergency, snow removal, circulation and fire lanes. Containers shall not be stacked upon one. Containers shall be placed on hard surface or rock and securely fastened to the ground.

3. Condition: The exterior of the storage containers shall be kept free of rust, holes, dents, or other corrosion, and containers shall be secured at all times.

4. Size: The container shall not exceed eight feet six inches (8'6") in height, eight (8) feet in width, and 20 feet in length.
5. Use: At no time shall an outdoor storage container be used as a place of business or residence, nor shall a container house, store, or contain goods, products, or materials other than those that are accessory and essential to daily on-site use and operation of the principal building or business requesting the conditional use permit. If containers are used for a business of self-storage, said containers shall not be permitted to house explosives or hazardous materials and shall be screened from public right-of-way and adjacent properties and secured with fencing and/or coniferous landscaping.
6. Time Period: Permitted conditional use permits for storage containers shall be allowed for five (5) years. Renewals are subject to Planning Commission and Council approval. Storage containers must be removed no later than five (5) working days after the expiration of the permit.
7. Exemptions: The temporary use of construction trailers or containers at a building site is exempt from this requirement.
8. Other Permits: If located in a designated flood plain, such containers shall follow all FEMA regulations, including elevation certificates and flood plain development permits.

ARTICLE 9: LANDSCAPING AND FENCING REQUIREMENTS

Section 9.01 Intent

The intent of the landscaping requirements are to improve the appearance of lot areas and soften paved areas and buildings; to provide a buffer between differing land uses; to minimize the adverse effect of uses from one another; to minimize the effect of heat, noise and glare; to conserve the value of property and neighborhoods within the community; and to enhance the physical environment within the City of North Bend by ensuring that yards, open spaces, parking lots and those areas abutting public rights-of-way are designed, installed and maintained in accordance with the provisions of this section.

Property development shall consider and respect land capabilities and constraints, minimize erosion and destruction of natural amenities and provide a buffer between differing land uses.

Section 9.02 Application and Scope

The provisions of the section shall apply to all new construction and development including, but not limited to, structures, dwellings, buildings, parking lots, residential subdivisions, office parks, shopping centers, and redevelopment for which either a building or zoning permit approval is required, except the following:

- 9.02.01 Agricultural buildings, structures and uses.
- 9.02.02 Additions, remodeling or enlargements of existing uses or structures provided that the enlargement of surface parking is more than 4,000 square feet shall not be excepted. Where such enlargement is less than 4,000 square feet, the provisions of this section shall apply only to that portion of the lot or site where the enlargement occurs.
- 9.02.03 Where there is more than one lot or site being developed together as one unit with common property lines, the entire site shall be treated as one lot or site for the purpose of conforming to the requirements of this section.
 - 1. When a lot or site with more than one ownership has been partially developed at the time of the adoption of this section. The application of the requirements of this section shall be determined by the City.

Section 9.03 Landscaping Requirements

Landscaping shall be required and provided as follows:

- 9.03.01 Single-family and two-family dwellings shall provide and maintain a minimum of 25 percent of lot area as a permeable and uncovered surface that contains living material. Single-family and two-family dwellings shall be exempt from all other requirements of this Section.
- 2. Street Frontage:

A landscaped area having a minimum depth of 15 feet from the property line shall be provided along the street frontage of all lots or sites including both street frontage of corner lots.

 - 1. The required landscaped area of 15 feet may be reduced to 10 feet if an equal amount of square feet of landscaped area, exclusive of required side and rear yard landscaped areas, is provided elsewhere on the site.
 - 2. Exclusive of driveways and sidewalks, not more than 25 percent of the surface of the landscaped area shall have inorganic materials such as brick, stone, concrete, asphalt, aggregate, metal or artificial turf.
 - 3. A minimum of one tree, of a minimum two inch caliper, shall be planted for every 50 lineal feet or fraction thereof.
- 3. Side Yard:

A landscaped area having a minimum depth of 10 feet from the property line shall be provided along the side yard abutting any Residential District.

 - 1. Exclusive of driveways and sidewalks, not more than 10 percent of the surface of the landscaped area shall be inorganic materials such as brick, stone, concrete, asphalt, aggregate, metal or artificial turf. If the slope of ground within the landscape area exceeds 2:1, not more than 50 percent of the surface shall be inorganic material.
 - 2. Landscaping shall include a hedge screen or a random or informal screen of plant materials substantially blocking the views and attaining a minimum height of six feet within four years. A landscaped earth berm not exceeding six feet in height may be used in combination with the plant materials.
 - 3. A six foot solid wood and/or masonry fence or wall, may be used in lieu of or in combination with the plant materials required in section 9.04.01 (2).
- 4. Rear Yard:

A landscaped area having a minimum depth of 10 feet from the property line shall be provided along the rear yard abutting any Residential District.

1. The landscape requirements for the rear yard shall be the same as for the side yard described in section 9.03.03.
- 9.03.05 Exterior lighting:
Exterior lighting when used, shall enhance the building design and the adjoining landscape. Building fixtures shall be of a design and size compatible with the building and adjacent areas. Lighting shall be restricted in design and excessive brightness avoided. Lighting shall be designed to a standard that does not impact adjoining properties, especially residential areas.
- 9.03.06 Plant Materials:
Landscape living plant materials shall consist of trees, shrubs, ground covers, vines, grasses, flowers, and any other plants.
1. The plant nomenclature shall conform with the recommendations and requirements of the “American Standard for Nursery Stock”, as amended, published by the American Association of Nurserymen, Inc.
 2. Size. The minimum size of plant materials to be installed shall be as follows:
 - A. Deciduous trees having a mature height of 20 feet or less shall have a minimum caliper of one and one-fourth inches.
 - B. Deciduous trees having a mature height of more than 20 feet shall have a minimum caliper of one and one-half inches.
 - C. Evergreen (conifer) trees shall have a minimum height of three feet.
 - D. Deciduous shrubs shall have a minimum height of 18 inches.
 - E. Evergreen shrubs shall have a minimum spread of 18 inches.
- 9.03.07 Planting Schedule:
The plant materials shall be installed prior to the issuance of the certificate of occupancy. If, because of seasonal reasons, the landscaping cannot be installed, a surety satisfactory to the City of North Bend equal to the contract cost shall be submitted to the City. The City shall release the surety when the plant materials have been installed. If the plant materials have not been installed within 12 months of the effective date of the certificate of occupancy, the City may install the required landscaping.
- 9.03.08 Required Plans:
Upon application of a building permit, a landscape-planting plan shall be submitted to the City of North Bend for review and approval.
1. Three copies of the plan shall be submitted.
 2. The plan shall include, but not be limited to, the following:
 - A. Property lines and other physical features necessary to show the proposed installation of plants.
 - B. The location and spacing of plant materials.
 - C. The scientific name, common name, plant size, quantity and planting method.
 - D. The plan shall have a scale of not more than one inch equals 100 feet.
 - E. When necessary, existing and proposed contours shall be provided.

Section 9.04 Fences and Retaining Walls

No fence (of any size) or retaining wall (four feet in height or more) shall be constructed within the zoning jurisdiction of the City of North Bend unless a permit therefore is approved and issued by the Zoning Administrator and is constructed in conformance with the following requirements:

- 9.04.01 The height limitation for fences, wall hedges or shrubbery shall be six feet above ground level except within an identified sight triangle and provided herein. The height of a fence shall be determined by a measurement from the ground beneath the fence to the top of the highest part of the fence. Manmade earth berms, terraces, and retaining walls that elevate the fence shall be considered a part of the fence. It is not intended that any structure other than a fence is permitted on any part of a lot or premises by this section, and all other structures must comply with these regulations.
1. No fence (including privacy, picket, split rail, ornamental corner fencing, and chain link), wall, hedge, or shrubbery, which is located in a required front or corner side yard, on a corner lot, shall exceed a height of 30 inches, *except that property owners may place a six foot high fence (including privacy, picket, split rail, ornamental corner fencing, and chain link), or less along their corner side yard property line, using the proper sight triangles on street sides. (Ord. No. 508, Sept. 20, 2011)*
 2. No fence (including privacy, picket, split rail, ornamental corner fencing, and chain link), wall, hedge, or shrubbery, which is located in a required front yard, on an interior lot, shall exceed 42 inches.

3. Where it is demonstrated that for security purposes the perimeter fencing around a plant or building located in an area zoned as a Flex Space or Industrial District must be higher than six feet in height may be approved through a Conditional Use Permit
 4. Fences constructed along and parallel to lot lines separating a residential lot from property located in a Commercial, Flex Space, or Industrial District shall be a minimum of six feet and shall not exceed eight feet in height.
 5. Fences constructed along and parallel to rear and side lot lines adjoining arterial streets, as designated by the Nebraska Department of Roads, shall not exceed eight feet in height.
- 9.04.02 Fences located within the front yard of a residential lot must qualify within the definition of an open fence. *(Ord. No. 508, Sept. 20, 2011)*
- 9.04.03 No fence or vegetation shall be situated or constructed in the triangular area required for sight distance of vehicles entering or exiting the property or entering any adjacent intersection (sight triangle). *Fences placed along back lot lines or running along a platted alley or driveway must follow a 15-foot sight triangle measured from the property lines at the corners entering into a street. (Ord. No. 508, Sept. 20, 2011)*
- 9.04.04 The use of barbed wire in the construction of any fence is prohibited except:
1. Perimeter security fencing of buildings constructed in an Industrial District. The plans and specifications for any such fencing must be approved by the City before commencement of construction.
 2. Agricultural fencing constructed for agricultural purposes on parcels of land five acres or more in the Transitional Agriculture District, provided they do not abut a residential zoning district. Such fencing does not require a permit.
- 9.04.05 All fences shall be maintained in good repair. The Governing Body shall have the authority to declare a fence in disrepair or unsightly, and so notify, in writing, the owner. The owner shall have 15 days to make the needed repairs or have it torn down. If after 15 days it has not been repaired in accordance with said notice, or torn down, the owner shall be subject to penalties found in Section 11.07 of this Ordinance.
- 9.04.06 For any property containing a swimming pool or bathing facility with a depth of more than 18 inches, a fence with a self-closing, self-latching gate of a minimum of six feet in height shall be installed.
- 9.04.07 All fences shall be located inside the boundaries of the property upon which constructed except where two adjacent property owners pursuant to written agreement filed with the City agree to build one fence on the common lot line of adjacent side yards or back yards.
- 9.04.08 Electric Fences. No above ground electric fence shall be constructed or maintained within the City of North Bend or within its extraterritorial zoning jurisdiction except in TA-Transitional Agriculture District provided they are not abutting a residential zoning district. Such fences in the TA District shall not require a permit.
- 9.04.09 Facing. The finished surface of all fences shall face toward adjoining property or street frontage. However, in the case of two or more property owners wishing to share a common fence line between their properties, said property owners shall jointly determine upon which side of the common fence line the finished face of the fence shall be placed. Such determination shall be consistent for the entire length of the common fence line.
- 9.04.10 Any existing fence constructed pursuant to a permit issued and approved by the City of North Bend which was in conformity with the prior to the provisions of this Ordinance may remain without change in accordance with this section notwithstanding same may be in conflict with one or more provisions of this section as amended; provided, however, and replacement or change of said existing fence or addition of a new fence, must hereby meet the requirements of this section as amended hereby.
- 9.04.11 Allowed and prohibited materials. Construction of any fence or wall in the following districts shall also comply with the additional fencing regulations.
1. Residential Districts.
 - A. Allowed Materials. Fences and walls shall be made of quality, durable materials that require low maintenance. Acceptable materials for a fence include: chain link, wood, brick, masonry block, stone, tubular steel, wrought iron, vinyl, composite/recycled materials (hardy board), or other manufactured material or combination of materials commonly used for fencing.

- B. Prohibited Materials. Fences and walls shall not be made of or contain:
 - i. Scrap materials such as scrap lumber and scrap metal.
 - ii. Materials not typically used for designated/manufactured for fencing such as metal roofing panels, corrugated or sheet metal, tarps, plywood or livestock fencing materials.
- 2. Commercial, Flex or Industrial Districts.
 - A. Allowed Materials. Fences and walls shall be made of quality, durable materials that require minimal maintenance. Acceptable materials for fencing in commercial and industrial districts include, but not limited to chain link, prewoven chain link with slats, wood, brick, tilt-up concrete, masonry block, stone, metal, composite/recycled materials, or other manufactured material or combination of materials commonly used for fencing.
 - B. Prohibited Materials. Fences or walls shall in commercial or industrial districts shall not be constructed of or contain:
 - i. Scrap materials such as scrap lumber and scrap metal.
 - ii. Materials not typically used for designated/manufactured for fencing such as metal roofing panels, corrugated or sheet metal, tarps, plywood or livestock fencing materials.

Section 9.05 Screening Requirements

- 9.05.01 All parking areas or vehicular use areas abutting a residential district or public right-of-way shall be screened from grade level to a height not less than three feet.
- 9.05.02 All commercial and industrial uses that abut residential districts shall provide screening not less than six feet in height along the abutting property line(s).
- 9.05.03 Screening required by this section shall be equivalent to the following:
 - 1. Solid fences or walls as approved by the City on the final development plan.
 - 2. Hedges, shrubs, or evergreen trees of 36 inches in height at planting spaced appropriately to provide a solid screen within three years after planting.
 - 3. Berms of not less than three feet in height and that provide a maximum slope of 3:1 for easy maintenance. Such berms may be used in conjunction with plantings to achieve the solid visual screen as described in Section 9.03.
 - 4. All plant material used for screening shall meet the standards in section 9.03

Section 9.06 Installation and Maintenance of Landscaping and Screening

9.06.01 Installation:

All landscaping shall be installed in a sound workmanship like manner and according to accepted good planting procedures. Landscaped areas shall require protection from vehicular encroachment. The Zoning Administrator shall inspect all landscaping and no certificates of occupancy or similar authorization will be issued unless the landscaping meets the requirements herein provided. Temporary occupancy permits may be issued due to weather related conditions upon approval by the Zoning Administrator.

9.06.02 Maintenance:

The owner, developer, tenant and/or their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping. All required landscaping shall be maintained in a healthy condition by necessary and appropriate measures. When replacement is necessary all plants and other non-living landscape materials shall be equal in size, density and appearance, at maturity, to those items requiring replacement when feasible. Underground sprinkler systems are encouraged to serve all landscaped areas except individual one and two family dwellings unless an equivalent watering system is approved by the Zoning Administrator.

All required screening and fencing shall be maintained and, whenever necessary, replaced with materials that provide equivalent size, density, and appearance. All landscaping and screening shall be kept free from refuse and debris so as to present a healthy, neat and orderly appearance. Turf grass shall be maintained on all areas not covered by other landscaping, parking, drives, buildings, or similar structures. Existing yards shall be maintained with grass or other approved ground cover.

Section 9.07 Preliminary Plan Approval

A landscape plan indicating both proposed and existing landscaping and screening shall be submitted, with the preliminary plat, or preliminary site plan for development, for review and recommendation by City Staff. Said Plan shall be in sufficient detail to provide the City with a reasonable understanding of what is being proposed. Site calculations used in computing quantities shall also be submitted which are proposed to be used to satisfy the required amounts of landscaping.

Section 9.08 Final Plan Approval

A detail listing of all plant materials to be used, quantities, size, and spacing shall be submitted to the City on separate sheets for review and recommendation and approval by the City Staff along with a planting schedule at final development plan submission.

Section 9.09 Parking Lot Plan Approval

A final site development plan shall be submitted to the City with the necessary landscaping and screening required herein for each of the following types of parking lot improvements:

9.09.01 New construction.

9.09.02 Expansion of existing facilities.

9.09.03 No parking lot shall be exempted from these regulations; unless previously exempted.

ARTICLE 10: BOARD OF ADJUSTMENT

Section 10.01 Use of Dodge County Board of Adjustment and its Procedures

The City does confirm its use and availability of the Dodge County Board of Adjustment under Section 2-203 of the Municipal Code, as permitted under the Revised Nebraska State Statutes §19-912.01, and its rules and procedures governing the appeals from decisions rendered by the City as to any application made to the City by the terms of this Ordinance.

Section 10.02 Powers and Jurisdiction on Appeal

The Dodge County Board of Adjustment shall have the following powers: (1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official or agency based on or made in the enforcement of any zoning regulation or any regulation relating to the location or soundness of structures; (2) to hear and decide, in accordance with the provisions of this Ordinance, requests for interpretation of any map, or for decisions upon other special questions upon which the Board is authorized by this Ordinance to pass; and (3) to grant variances, where by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of enactment of this Ordinance, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation under this Ordinance would result in peculiar and exceptional practical difficulties to or exceptional and undue hardships upon the owner of such property, to authorize, upon an appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardship, if such 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 it finds that:

- The strict application of the Ordinance would produce undue hardship;
- such hardship is not shared generally by other properties in the same zoning district and the same vicinity;
- the authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance; and
- the granting of such variance is based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit or caprice. No variance shall be authorized unless the Board finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to this Ordinance.

In exercising the above mentioned powers, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance or to affect any variation in this Ordinance.

Section 10.03 Appeals to District Court

Any person or persons, jointly or severally, aggrieved by any decision of the Dodge County Board of Adjustment may appeal as provided by Section 19-912, Reissue Revised Statutes of 1943 (in full).

ARTICLE 11: AMENDMENTS

Section 11.01 Amendments

Pursuant to Section 19-905, Reissue Revised Statutes of 1943 (in full): This Ordinance may, from time to time, be amended, supplemented, changed, modified, or repealed. In case of a protest against such change, signed by the owners of 20 percent or more either of the area of the lots included in such proposed change, or of those immediately adjacent on the sides and in the rear thereof extending 300 feet therefrom, and of those directly opposite thereto extending 300 feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of three-fourths of all members of the City Council. The provisions of this section of the Ordinance relative to public hearings and official notice shall apply equally to all changes or amendments. In addition to the publication of the notice therein prescribed, a notice shall be posted in a conspicuous place on or near the property on which action is pending. Such notice shall not be less than 18 inches in height and 24 inches in width with a white or yellow background and black letters not less than one and one-half inches in height. Such posted notice shall be placed upon such premises that it is easily visible from the street nearest the same and shall be so posted at least 10 days prior to the date of such hearing.

It shall be unlawful for anyone to remove, mutilate, destroy, or change such posted notice prior to such hearing. Any person so doing shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than 50 dollars or more than 100 dollars.

The provisions of this section in reference to notice shall not apply: (1) in the event of a proposed change in such regulations, restrictions, or boundaries throughout the entire area of an existing zoning district or of such municipality, or (2) in the event additional or different districts are made applicable to areas, or parts of areas, already within a zoning district of the City.

Section 11.02 Planning Commission Review

No amendment, supplement, change or modification of this Ordinance, including the boundaries of any zoning district, shall be made by the City Council without first the consideration by the City Planning Commission, the Commission shall submit in writing its recommendations on each amendment, supplement, change or modification to the City Council within 45 days after receipt thereof. Said recommendations shall include approval, disapproval, or other suggestions and the reasons thereof, and a discussion of the effect of each amendment, supplement, change or modification on the Comprehensive Plan. Said recommendations shall be of an advisory nature only.

In addition, any person or persons seeking such an amendment, supplement, change, or modification of any zoning district, shall comply with the following:

- a. At the time that application for a change of zoning district or amendment to the zoning test is filed with the Planning Commission, there shall be deposited the sum of fifty dollars (\$50) as a fee to cover investigation, legal notices, or other expenses incidental to the determination of such matter.

- b. An application for a change of district to Highway Commercial shall contain a minimum area of five (5) acres. The area, if more than one (1) parcel of land is involved, shall be contiguous, exclusive of any streets or easements.
- c. An application for a change of district to an Industrial District shall contain a minimum area of five (5) acres. The area, if more than one (1) parcel of land is involved, shall be contiguous, exclusive of any streets or easements.
- d. The foregoing requirements in Subsections b and c shall not apply in the case of an extension of a Highway Commercial, Flex Space or Industrial District.

Section 11.03 Inspections by City Staff

The provisions of this Ordinance shall be administered and enforced by City Staff, who shall have the power to make inspections of buildings or premises necessary to carry out individually assigned duties in the enforcement of this Ordinance.

Section 11.04 Zoning Administrator

The provisions of this Ordinance shall be administered and enforced by a Zoning Enforcement Officers appointed by the City Council, who shall have the power to make inspection of buildings or premises necessary to carry out their duties in the enforcement of this Ordinance.

Section 11.05 Building/Zoning Permits

The following shall apply to all new construction and all applicable renovations and remodels within North Bend's Zoning Jurisdiction:

- a. Any person or persons intending to construct or structurally alter or remodel or repair any building or structure or construct an addition to any existing building or structure or construct a new sidewalk or driveway within the jurisdictional limits of the City of North Bend, Dodge County, Nebraska, shall before proceeding with such work or commencing any excavation in connection therewith, file a written application in the office of the City Clerk and receive a building permit therefore as approved by the City.
- b. No building shall be constructed, nor any building or structure be remodeled, altered, structurally changed or repaired from its present construction, state of construction or condition unless a permit is obtained from the City as provided in its Code and Ordinances, when the cost of such building, or the remodeling, altering, changing or repairing is or exceeds the sum of two thousand five hundred (\$2,500.00) dollars for same, except that new sidewalks or driveways shall require a permit at any cost; Provided, however, that the repainting or re-roofing a presently existing structure and repairing or replacing an existing sidewalk or driveway in the same location shall not require such permit, if otherwise done in accordance with Section 8-401 of the North Bend Municipal Code. No construction, building, repairing, altering, remodeling or changing costing less than two thousand five hundred dollars (\$2,500.00) shall be tacked together or cumulated or delayed over periods of time in order to have cost of same on a piecemeal basis be less than two thousand five hundred dollars (\$2,500.00).
- c. Issuance of a building permit. In applying to the City for a building permit, the applicant shall submit a dimensioned sketch or a scale plan indicating the shape, size and height and location of all buildings to be erected, altered or moved and of any building already on the lot. He shall also state the existing and intended use of all such buildings and supply such other information as may be required by the City for determining whether the provisions of this Ordinance are being observed. If the proposed excavation or construction as set forth in the application are in conformity with the provisions of this Ordinance, and other Ordinances of the City then in force, the City shall issue a building permit for such excavation or construction.
- d. If a building permit is refused, the City shall state such refusal in writing, with the cause, and shall immediately thereupon mail notice of such refusal to the applicant at the address indicated upon the application. The City shall grant or deny the permit within a reasonable time from the date the application is submitted. The issuance of a permit shall, in no case, be construed as waiving any provisions of this Ordinance. A building or zoning permit shall become void twelve (12) months from the date of issuance unless substantial progress has been made by that date on the project described therein.
- e. No drain shall be constructed to dispose of surface water unless and until an application is made to the City Council and a permit issued thereon. No person shall repair any existing drain without such a permit. In each instance the permit shall designate and specify the size of pipe and other technical requirements as recommended or required by the City Engineer or Street Commissioner. The provisions of this Section shall apply to all districts heretofore established.

- f. It shall be unlawful for any contractor or other persons engaged in the actual work of erecting said building or other structure within the jurisdictional limits of the City of North Bend or making any improvements or repairs to proceed with the work until the owner of the property has obtained a permit as herein provided. Law Enforcement Officers may order cessation of any work so started by any contractor or person before issuance of said permit and failure to cease after such order shall constitute a separate offense of this Ordinance. *Property owners that build on city property or easements shall have approval from the city and will be responsible for removal of property and be responsible for any and all damages to their property if work by city and utility companies is required. (Ord. No. 508, Sept. 20, 2011)*

Section 11.06 Certificate of Occupancy

No land or building or part thereof hereafter erected or altered in its use or structure shall be used until the building inspector shall have issued a certificate of occupancy stating that such land, building or part thereof, and the proposed use thereof, are found to be in conformity with the provisions of this Ordinance. Within three days after notification that a building or premises is ready for occupancy or use, it shall be the duty of the building inspector to make a final inspection thereof and to issue a certificate of occupancy if the land, building, or part thereof and the proposed use thereof are found to conform with the provisions of this Ordinance, or, if such certification is refused, to state refusal in writing, with the cause, and immediately thereupon mail notice of such refusal to the applicant at the address indicated upon the application.

Section 11.07 Penalties

Pursuant to Section 19-913, Reissue Revised Statutes of 1943 (in full), the owner or agent of a building or premises in or upon which a violation of any provisions of this Ordinance has been committed or shall exist or lessee or tenant of an entire building or entire premises in or upon which violation has been committed or shall exist, or the agent, architect, building contractor or any other person who commits, takes part or assists in any violation or who maintains any building or premises in or upon which such violation shall exist, shall be guilty of a misdemeanor and shall be punished by a fine not to exceed 500 dollars for any one offense. Each day of non-compliance with the terms of this Ordinance shall constitute a separate offense.

Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation. However, nothing shall deprive the citizen of his or her rights under the U.S. Constitution of a jury trial.

Section 11.08 Remedies

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure, or land is used in violation of Sections 19-901 to 19-914, Reissue Revised Statutes of 1943 (in full), or this Ordinance, or any regulation made pursuant to said sections, the appropriate authorities of the City may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct, or abate such violation, 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: COMPREHENSIVE PLAN RELATIONSHIP

These zoning ordinances are designed to implement various elements of the comprehensive plan as required by state statutes. Any amendment to the district ordinances or map shall conform to the comprehensive plan adopted by the governing body.

ARTICLE 13: LEGAL STATUS PROVISIONS

Section 13.01 Separability

Should any article, section or provision of this Ordinance be declared by the courts 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 13.02 Purpose of Catch Heads

The catch heads appearing in connection with the foregoing 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 13.03 Repeal of Conflicting Ordinances

All ordinances or parts of ordinances in conflict with this Ordinance, or inconsistent with the provisions of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.

Section 13.04 Effective Date

This Ordinance shall take effect and be in force from and after its passage and publication according to law.

ADOPTED AND APPROVED by the Governing Body of North Bend, Nebraska,

This 20th day of April 2010.

(Seal)

ATTEST: _____
(CITY CLERK)

(MAYOR)