

CHAPTER 34

ZONING

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Article I. General.

34-101. Purpose.

This Chapter has been made in accordance with a comprehensive plan and to promote the health and general welfare of the community. It is designed to lessen congestion in the streets; to secure safety from fire, flood, and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements. These regulations have been made with reasonable consideration, among other things, to the character of the district and its suitability for particular uses, and with a view to conserving the value of property and encouraging the most appropriate use of land throughout the City of Hastings and the area within two miles thereof. (Ord. No. 4233-11/2009)

34-102. Name and citation of title.

This Chapter shall be known, referred to, and cited as the Zoning Ordinance of the City of Hastings. (Ord. No. 4233-11/2009)

34-103. General definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Campus. A ten-acre or larger tract of land that has been planned, developed and operated as an integrated group of buildings or structures with compatible supporting ancillary uses with special attention given to vehicular traffic circulation and parking, pedestrian access and movement, utility needs, and a consistent theme of aesthetics associated with buildings and grounds.

Caregiver Quarters. A Caregiver Quarters shall mean an accessory residential structure located on the same lot or tract as the principal residence. Caregivers shall include nannies/caretakers/caregivers/servants of immediate family members, but shall not include other domestic workers.

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

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

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

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

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

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

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

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

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

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

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

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

(1) A person residing with a family for the purpose of adoption.

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(2) Not more than six (6) persons under nineteen (19) year of age, residing in a foster home licensed or approved by the State of Nebraska.

(3) Not more than three (3) persons nineteen (19) years of age or older residing with a family for the purpose of receiving foster or supervised care licensed or approved by the State or its delegate.

(4) Any person who is living with a family at the direction of a court.

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

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

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

Floor Area Ratio. Floor Area Ratio is defined as the maximum gross floor area of a building on a lot or parcel, divided by the area of the lot or parcel. (F.A.R. of 2.0 provides for 28,000 gross sq. ft. of building on a lot with an area of 14,000 sq. ft.)

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

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

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

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

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

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

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

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

Lot, flag. A flag lot shall mean a lot which does not have the required frontage on a public street and which is located adjacent to a lot which does have the required frontage on a public street. A flag lot shall include a projection, or "flagpole", which connects the flag lot to the public right of way, which flagpole shall meet the requirements set forth in this chapter under the definition of flagpole. The flagpole on a flag lot need not meet the minimum lot width requirements set forth in these regulations, but the remaining portion of a flag lot, exclusive of the flagpole, must meet all lot width, front and rear yard setbacks and all other requirements the same as if it were not a flag lot.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Parking area. A structure or an open area other than a street, alley or other right-of-way for the temporary storage of automobiles, together with a driveway connecting the parking area with a street or alley and permitting ingress and egress for an automobile, provided that there shall be no storage of automobiles for the purpose of sale or resale. The minimum dimensions of each parking space shall be eight and one-half (8 1/2) by twenty (20) feet.

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

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

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

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

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

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

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

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

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

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

(1) Sign, surface area. The entire areas within a parallelogram triangle, circle, semicircle or other geometric figure, including all of the elements of the matter displayed, but not including black masking, frames, or structural elements outside the advertising elements of the sign and bearing no advertising material.

(2) Indirectly illuminated sign. Any sign which is partially or completely illuminated at any time by a light source which is so shielded as to not be visible at eye level.

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

(4) Detached sign. Any sign located on the ground or on a structure located on the ground and not attached to a building.

(5) Wall sign. Any sign attached to and erected parallel to and within one foot of the face or wall of building, including signs painted on the walls of the buildings.

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

(7) Projecting sign. Any sign extending more than one (1) foot from the face of the building to which it is attached. A time and temperature instrument mounted on the face of a building shall be included in this definition.

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

(9) Marquee sign. Any sign attached flat against the marquee or permanent sidewalk canopy of a building, or suspended under a marquee or sidewalk canopy, and extending downward not more than twelve (12) inches therefore.

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

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

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

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

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

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

Street centerline. A line midway between street lines.

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

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

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

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

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

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

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

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

Yard, side. A yard between the main building and the adjacent side line of the lot, and extending entirely from a front yard to the rear yard.
(Ord. No. 4233-11/2009, 4398-7/2014 and 4418-12/2014)

34-104. Descriptions and categories of uses.

The following categories and descriptions of specific uses of land and buildings correspond to the Use Table 34-200. Where a use appears to meet two or more descriptions or where a use is not described, the Director shall make a determination of the most comparable use. In making this determination, the Director shall compare: (a) the intensity and scale of the use relative to the site; (b) the typical site and building designs associated with the use; (c) the functional or operational characteristics and the potential impacts the use on adjacent property; and (d) the potential contribution of the use to the overall character of the district or districts in which the comparable use is allowed. All other uses which cannot be interpreted in this manner are different from the described uses, are not anticipated by these regulations, and may only be allowed by a zoning text amendment.

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

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

Detached Dwelling, Accessory. A detached single family dwelling located a lot developed with a Detached Dwelling as the principal use, and accessory to the principal Detached Dwelling.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Halfway House, Quasi-Institutional Use. Shall be described as a licensed home by the State of Nebraska or the United States Government, 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, re-employment and counseling are provided to mainstream residents back into society, enabling them to live independently.

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) Employment Uses. The Employment use category is for businesses engaged in administrative, clerical, and professional operations and support, where products or services are of the nature that generally do not require daily on-premise interactions with the clients, customers or patrons, and where lots and buildings are not primarily designed to maximize exposure to the public-at-large.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Warehouse Storage/Bulk Storage. A structure containing an area whose primary purpose is storing commercial, industrial or private personal property, which may or may not include associated office space.

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

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

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

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

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

Feed lot.

(a) Any tract of land or structure wherein any type of fowl or the by-products thereof are raised for sale at wholesale or retail.

(b) Any structure, pen or corral wherein cattle, horses, sheep, goats, swine, fowls or other animals maintained in close quarters for the purpose of fattening and confinement feeding of such livestock or fowl for final shipment to market.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

All words and phrases shall have their ordinary and customary meanings unless the context of the word or phrase indicates otherwise.

(Ord. No. 4233-11/2009, 4309-10/2011, 4354-7/2013 and 4416-11/2014)

34-105. District map adopted; interpretation of district boundaries.

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

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

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

Whenever any street or alley is vacated, the particular district in which the adjacent property lies shall be automatically extended to apply to that portion of the vacated street or alley.
(Ord. No. 3961-8/2004 and 4233-11/2009)

34-106. Application of regulations.

Except as hereinafter provided:

(1) No building, structure, land or water area shall hereafter be used or occupied, and no building, structure, or part thereof shall hereinafter be erected, constructed, reconstructed, moved, repaired or structurally altered except in conformity with the regulations specified in this Chapter for the district in which it is located.

(2) No building or other structure shall hereafter be erected or altered:

(a) To exceed the height and area restrictions of this Chapter.

(b) To accommodate or house a greater number of families than permitted by this Chapter.

(c) To occupy a greater percentage of lot area than permitted by this Chapter.

(d) To leave narrower or smaller rear yards, front yards, side yards, space between portions of buildings or structures, or other open space than required by this Chapter.

(3) No part of a yard, or other open space, or off-street parking or loading space required in connection with any building or structure for the purpose of complying with this Chapter shall be included as part of a yard, open space, or off-street parking or loading space similarly required of any other building or structure; or as otherwise provided in this Chapter.

(4) No yard, open space, space between portions of buildings or structures, or lot existing at the time of passage of this Chapter shall be reduced in dimension or area below the minimum requirements herein set forth.

(5) Within each district, the regulations set by this Chapter shall be minimum regulations and shall apply uniformly to each class or kind of building, structure, land, or water area.
(Ord. No. 4233-11/2009)

34-107. Districts enumerated.

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

Districts are classified in six (6) general categories according to use – Adams-Hastings Joint Use, Agricultural, Residential, Business, Industrial, Special Issue Districts including planned, flood and airport. Excluding Agricultural and Adams-Hastings Joint Use, the most restrictive type of use is R-1 Single Family Dwelling District and each subsequent classification throughout the Residential, Commercial, Industrial categories is considered a less restrictive use or a lesser classification.

(1) Adams-Hastings Joint Use District.

(a) District AHD. Adams-Hastings Joint Use District.

(2) Agricultural District.

(a) District A. Agricultural District.

(3) Residential Districts.

(a) District R-1 Urban Single Family Residential District.

(b) District R-1A Single Family Large Lot Residential District.

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(c) District R-1S Single Family Suburban Acreage Residential District.

(d) District R-2 Mixed-density Neighborhood District.

(e) District R-3 Multiple-Family Residential District.

(f) District R-4 Urban Neighborhood District.

(4) Business Districts.

(a) District C-O Commercial Office Non-Retail District.

(b) District C-1 Local Business District.

(c) District C-2 Central Business District.

(d) District C-3 Commercial District.

(e) District CMP Institutional Campus District.

(5) Industrial Districts.

(a) District I-1 Light Industrial District.

(b) District I-2 Heavy Industrial District.

(6) Special Issue Districts.

(a) PD Planned District.

(b) FD Flood Hazard District.

(c) AP Airport District.

Any of the above enumerated districts, except District A and District AHD, may be supplemented by the addition of the letter "P" after the existing prefix "R", "C", or "I", such letter "P" denoting a planned district under procedures set out in Article 2. Any use not listed herein may be placed in a suitable district classification by the City Council after recommendation of the Planning Commission for planned districts based on a finding that it furthers the comprehensive development plan, supports the intent and applicability of the zoning district, and promotes sound planning and urban design principles through the specific standards association with the Planned District. (Ord. No. 4233-11/2009 and 4342-3/2013)

34-108. Comprehensive development plan.

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

(1) The maps are a general framework and guide for decision-making, and do not pre-determine any specific use of land or buildings, or application of any zoning category.

(2) The maps shall be interpreted and future zoning shall be in accordance with the concepts, policies, principles and strategies in the plan, including descriptions of categories of land, development patterns, or other planning and urban design elements of the plan when taken as a whole.

(3) Specific area plans, whether adopted by the City or proposed by private parties in accordance with these regulations, may be interpreted as an amendment or further refinement of the future land use map provided that plan is determined by the Planning Commission to be consistent with the comprehensive development plan. (Ord. No. 4233-11/2009)

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Article II. District Regulations.

34-200. Uses and districts table.

TABLE 200-1: USES AND DISTRICTS														
Key: P= Permitted, allowed subject to general district standards R= Restricted, allowed subject to specific use standards C= Conditional, allowed subject to discretionary review	A	R-1	R-1A	R-1S	R-2	R-3	R-4	C-O	C-1	C-2	C-3	CMP	I-1	I-2
	Residential Uses													
Detached Dwelling	P	P	P	P	P	P	P	P	P		P			
Semi-attached Dwelling					P	P	P	P	P		P			
Attached Dwelling						P	P	P	P		P			
Multi-dwelling Building						P	P	P	P		P			
Live / Work Units							P	P	P	P				
Mixed-use Dwelling							C			P		P		
Group Housing		C	C	C	C	C	C				C			
Type A & B Manufactured Housing	P	P	P	P	P	P	P	P	P		P			
Mobile Home Court	C												C	C
Mobile Home, Accessory	C													
Detached Dwelling, Accessory	C													
Civic Uses														
Assembly, Neighborhood	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Assembly, Community								C	C	C	C	C	C	C
Eleemosynary or Philanthropic institution.						C		C	C	P	P	P		
Golf Course / Clubhouse (non-business)	P	P	P	P		C						P		
Public Park / Playground	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Public Museum or Library	P	P	P	P	P	P	P	P	P	P	P	P	P	P
School, Elementary	P	P	P	P	P	P	P	P	P			P		
School, Secondary	R	R	R	R	R	R	R	R	R			P		
School, College or University	P					P						P		
Service Uses														
Adult Care, Home	C	C	C	C	C	C	C	C	C	C	C	P		
Adult Care Facility								P	P	P	P	P		
Automobile Service Station, Limited								C	P	P	P	P	P	P
Automobile Service Station, General											P	P	P	P
Automobile Service Station, Large-scale											P	P	P	P
Automobile Repair, Limited								C	C	C	P	P	P	P
Automobile Repair, General										C	P		P	P
Bank								P	P	P	P	P	P	P
Child Care, Home	R	R	R	R	R	R	R	R	R	R	R	P		
Child Care Facility					R	R		P	P	P	P	P	P	P
Halfway House, Quasi-Institutional Use													C	C
Kennel, Commercial	C										C		C	C

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TABLE 200-1: USES AND DISTRICTS														
Key: P= Permitted, allowed subject to general district standards R= Restricted, allowed subject to specific use standards C= Conditional, allowed subject to discretionary review	A	R-1	R-1A	R-1S	R-2	R-3	R-4	C-O	C-1	C-2	C-3	CMP	I-1	I-2
	Lodging, Bed & Breakfast	C	C	C	C	C	C	C	C	C	C			
Lodging, Rooming house						C			P	P	P	P		
Lodging, Hotel										P	P	P	P	P
Lodging, Motel											P	P	P	P
Medical Office	C							P	P	P	P	P		
Medical Clinic	C							P	P		P	P	C	C
Medical Hospital	C							P	P			P	C	C
Nursing Home /Assisted Living	C	C	C	C	C	C	C	P	P	C	P	P		
Professional Services Office								P	P	P	P	P	P	P
Self Storage, Storage Areas								C		R	C		C	C
Veterinary Office	P							P	P	P	P		P	P
Veterinary Hospital	P										C		C	C
Employment Uses														
Home occupation.	R	R	R	R	R	R	R	R	R	R	R			
Office, Limited						C	C	P	P	P	P	P	P	P
Office, Small							C	P	P	P	P	P	P	P
Office, General									C	P	P	P	P	P
Office Complex / Campus										C	P	P	P	P
Commercial & Retail Uses														
Convenience Retail, Automobile (< 5K s.f.)								C			P	P	P	P
Convenience Retail, Corner Store (< 2K s.f.)							C	P	P	P	P	P	P	P
Neighborhood Retail (< 5K s.f.)									P	P	P	P	P	P
General Retail (5K s.f. – 20K s.f.)										P	P	C	P	P
Large-scale Retail (20Ks.f. – 100K s.f.)										C	P	C	P	P
Warehouse Retail (> 100K s.f.)											P		P	P
Neighborhood Grocery (< 45K s.f.)									P	P		P		
Supermarket (> 45K s.f.)											P	C	P	P
Indoor Entertainment & Rec. Business										P	P	C	P	P
Outdoor Entertainment & Rec. Business	C										C	C	C	C
Entertainment Venue	C									C	C	C	C	C
Outdoor Sales, Limited									C	P	P	P	P	P
Outdoor Sales, Seasonal									C	C	C	C	C	C
Outdoor Sales, Yard											P		P	P
Outdoor Market (Farmers										P				

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TABLE 200-1: USES AND DISTRICTS

Key: P= Permitted, allowed subject to general district standards R= Restricted, allowed subject to specific use standards C= Conditional, allowed subject to discretionary review	A	R-1	R-1A	R-1S	R-2	R-3	R-4	C-O	C-1	C-2	C-3	CMP	I-1	I-2
Market)														
Industrial Uses														
Grain Storage Elevator	P												P	P
Manufacturing, Limited								C	C	C	P	P	P	P
Manufacturing, Light										C	C	C	P	P
Manufacturing, General													P	P
Manufacturing, Heavy														P
Impound yard													C	C
Recycling Collection and Processing													C	P
Salvage yard / Junkyard													C	C
Slaughter House / Meat Packing	C													C
Storage or Sale of Liquid Petroleum	C													P
Warehouse Storage / Bulk Storage	C												P	P
Wholesale													P	P
Agriculture and Natural Resource Uses														
Agriculture, Limited	R		R											
Agriculture, General	P													
Aquaculture.	C													
Feed lot	C													
Natural Resource Extraction	C													
Nursery	P	C	C								P		P	
Stable, public	P										P		P	
Public Service Uses														
Air Field	C	C	C	C										C
Heli-stop	C	C	C	C				C	C				C	C
Public Parking Lot						C	C	C	C	C	C	C	C	C
Public Recreation Grounds	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Public Utility Plant	C												C	C
Public Utility Sub-station	C	C	C	C	C	C	C	C	C	C	C		C	C
Cemetery	C									C	C		C	
Small Wind Energy Systems	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Large Scale Wind Generator (Wind Farms)	C												C	C
Telecommunication Facilities and Support Structures	C							C	C	C	C	C	R	R

* Permitted use within the A District outside the City Limits, conditional use within A District within the City Limits. (Ord. No. 4233-11/2009, 4309-10/2011, 4347-5/2013, 4354-7/2013)

Zoning

34-200.01. AHD Adams-Hastings joint use districts.

(1) Intent. This district is intended to accommodate areas of the County where residential and commercial development has occurred together and is recommended to continue under certain provisions. Regulations for this district are intended to provide for a cohesive and properly developed corridor and entrance into Adams County and the City of Hastings. The criteria will include but is not limited to the following: landscaping, building material selection and design, lighting and road development. Guiding development in this manner promotes the general health, safety and welfare of residents, by providing quality design and construction which will aid in the protection of past and future development in the corridor.

(2) Purpose: The purpose of these criteria is to establish a checklist of those items that affect the physical aspects of the entrance to Adams County and the City of Hastings. Pertinent to appearance is the design of the site, building and structures, planting, signs, and miscellaneous other objects that are observed by the public.

(3) Prior to issuance of a Zoning Permit in the County of Adams or for a Building Permit within the City of Hastings Jurisdiction a copy of the State Fire Marshal submittal is required.

(4) Permitted uses: The following uses are permitted in this district.

(a) Single-family dwellings.

(b) Public parks and recreational areas.

(c) Public and parochial schools.

(d) Public owned and operated buildings such as community centers, auditoriums, museums, library.

(e) Fire stations.

(f) Ranch and farm buildings.

(g) Raising of field crops including horticulture.

(h) Pasturing of livestock, provided such pasturing of livestock shall be limited to a maximum of six (6) animals units per acre.

(i) Retail sales for use by or consumption by individuals, including but not limited to: automobile (including parts and accessories), appliances, bicycles and accessories, boats, books and stationery, baked goods, cameras, candy, carpets, clothing, curios, dairy products, pharmaceutical drugs, fish and seafood, farm equipment, and supplies, furniture, flowers and plants materials, furs, groceries, hardware, instruments, hats, jewelry, liquor, meats, motor vehicles, newspapers and magazines, paint, pastries, seed, shoes, sporting goods, tobacco and tobacco products, and trailers – not including any use as an adult establishment.

(j) Radio, television, microwave and other types of erected towers less than ninety (90) feet in height, provided such towers comply with any applicable airport hazard height limitations and further provided that any such tower is set back from the right-of-way line of any public roadway, from the nearest property line of any public use area or from the nearest wall of any neighboring church, school, or residential dwelling unit by a distance equal to or exceeding height of such tower.

(5) Conditional uses: The following uses are subject to conditions relating to the placement of said use on a specific tract of ground. Conditional uses require approval in accordance with Article IV of this chapter.

(a) Two family dwellings.

(b) Townhouses and condominiums.

(c) Grain storage.

(d) Multiple family dwellings.

(e) Day care center and day care home.

(f) Nursing home/assisted living.

(g) Churches, synagogues, and other similar places of worship.

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(h) Charitable clubs and organizations.

(i) Lodging, hotels, motels and boarding houses.

(j) Medical, veterinary, professional and service uses.

(k) Warehousing and wholesaling of materials.

(l) Contractors' storage yards or plants.

(m) Retail sales of lumber and other building materials, farm equipment, aircraft, mobile homes, farm and garden supplies, fuel and ice.

(n) Private recreational facilities including golf courses driving ranges. Miniature golf is permitted if is part of a total golfing operation.

(o) Automobile service station, automobile repair and convenience store.

(p) Bank.

(q) Office space.

(r) Overhead and underground utilities main transmission lines, including but not limited to, power, telephone, gas, fuel, or fertilizer lines, substations, terminal facilities, and reservoirs.

(s) Self storage units.

(6) Accessory uses: The following accessory buildings and uses are permitted in this district.

(a) Accessory uses and structures normally appurtenant to the permitted uses and structures and to uses and structures permitted as conditional uses.

(b) Private swimming pools (above and below ground), tennis courts, and other recreational facilities in conjunction with residences.

(c) Home occupation and home based business.

(d) Small wind energy systems.

(e) Signs.

(f) Parking.

(7) Minimum lot requirements.

(a) Minimum lot area – 2 acres.

Minimum lot area is reduced to 7,500 square feet if the use is connected to a municipal or community water system and sanitary sewer system.

(b) Minimum lot width – 100 feet.

(c) Minimum yard requirements.

(i) Front yard – 25 feet.

Shall be 50 feet if adjacent to county road or state highway.

(ii) Side yard – 10 feet.

(iii) Rear yard – 25 feet.

(8) All metal and fabricated buildings shall have a façade of brick, siding, wood, metal, or other material approved by the County Zoning Administrator, City Building Inspector and the City Planner which will mask the use of plain metal or prefabricated buildings along all street frontages and parking areas.

Zoning

(9) Landscaping shall be provided on all commercially used properties to include sod, at least 2 trees per street frontage covering a minimum of 10% of the lot area not currently in use by a structure.

(10) Signs.

(a) Wall signage shall not exceed a maximum area coverage of 200 square feet on commercially used property.

(b) Wall signage shall not exceed 20 square feet on residentially used property.

(c) One freestanding sign is allowed per frontage on commercially used property not to exceed 40 feet in height.

(d) Freestanding signs are prohibited on residentially used property.

(e) Real estate and political signage is exempt.
(Ord. No. 4342-3/2013)

34-201. A Agricultural districts.

(1) Intent. This district is intended to be a transitional use district primarily encompassing those urban and suburban agriculture lands located outside the corporate limits of the City, within the City's two (2) mile extraterritorial zoning jurisdictional limits. It is recognized that the district is developed with agriculture related uses. However, as urban land use development emerges within the area, the land use classifications within the area may be changed to accommodate a wider variety of land use activities.

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

(3) Minimum lot requirements.

(a) Lot area – 5 acres (un-platted parcels may include one-half of abutting road).

(b) Lot width – 100 lineal feet.

(4) Minimum yard requirements.

(a) Front yard – 50 feet.

(b) Side yard – There shall be a side yard on each side of a building not less than fifteen (15) percent of the width of the lot: except, that such side yard shall be not less than fifteen (15) feet and need not be more than twenty-five (25) feet.

(c) Rear yard – 50 feet, except that for a corner lot, the rear yard setback shall be the same as for the side yard, as described in the preceding subsection (b). See Exhibit No. 2, Appendix A.

(5) Minimum dwelling size.

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

(6) Maximum Lot Coverage.

(a) Maximum lot coverage by all buildings shall not exceed thirty (30%) percent.

(7) Maximum height of structures.

(a) Except as otherwise provided in this Chapter, the maximum height of a principal structure shall be 35 feet above grade.

(b) The maximum height of an accessory structure shall not exceed 20 feet.
(Code No. 3139-8/89, 3215-6/91, 3223-9/91, 3269-7/92, 3276-9/92, 3396-5/94, 3397-6/94, 3419-9/94, 3428-10/94, 3861-6/2002, 4003-5/2005 and 4233-11/2009)

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

(1) Intent. This district is intended for urban single-family residential areas with low to medium population densities where public sewer and water service is available. Structures and uses required to serve governmental,

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education, religious, non-commercial recreational, and other needs of such areas are permitted within such districts or are permissible as conditional uses subject to restrictions intended to preserve and protect their single-family residential character.

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

(3) Minimum lot requirements.

(a) Lot area - 7,000 sq. ft.

(b) Lot width - 70 ft.

(4) Minimum yard requirements.

(a) Front yard – 25 ft.

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

Buildings on corner lots shall provide a side yard on the street side of not less than fifteen (15) feet; provided, that this regulation shall not be so interpreted as to reduce the buildable width of a corner lot in separate ownership on August 26, 1968 to less than thirty-five (35) feet.

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

(5) Minimum dwelling size.

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

(6) Maximum lot coverage by all buildings.

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

(7) Maximum height of structures.

(a) Except as otherwise provided in this Chapter, the maximum height of a principal structure shall be 35 feet above grade.

(b) The maximum height of an accessory structure shall not exceed the height of the principal structure by more than 25%.

(Code No. 3139-8/89, 3215-6/91, 3269-7/92, 3276-9/92, 3428-10/94, 3861-6/2002 and 4233-11/2009)

34-202.01. R-5 Urban single family undersized lot residential districts.

(1) Intent. This district is intended for urban single-family residential areas on existing lots too small in size to meet the requirements of the R-1 Zoning District and where public sewer and water service is available. The district shall be implemented on remnant, substandard and other lots that previously contained non conforming residential structures or were too small in size to build a residential structure legally. This district shall not be implemented within newly platted suburban lots for single family dwellings. R-5 lots are also not intended for use by mobile homes.

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

(3) Minimum lot requirements.

(a) Lot area - 4500 sq. ft.

(b) Lot width - 45 ft.

(4) Minimum yard requirements.

(a) Front yard – 25 ft.

Zoning

(b) Side yard – There shall be a side yard on each side of a building not less than five (5) feet. Buildings on corner lots shall provide a side yard on the street side of not less than ten (10) feet; provided that this regulation shall not be so interpreted as to reduce the buildable width of a corner lot in separate ownership to less than 30 feet.

(c) Rear yard – The depth of the rear yard shall be at least fifteen percent (15%) of the depth of the lot, but such depth need not be more than twenty (20) feet, except that for a corner lot, the rear yard setback shall be the same as for the interior side yard, as described in the preceding subsection (b). See Exhibit No. 2, Appendix A.

(5) Minimum dwelling size.

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

(6) Maximum lot coverage by all buildings.

(a) The maximum lot coverage by all buildings shall not exceed fifty (50%) percent.

(7) Maximum height of structures.

(a) Except as otherwise provided in this Chapter, the maximum height of a principal structure shall be 35 feet above grade.

(b) The maximum height of an accessory structure shall not exceed the height of the principal structure by more than 25%.

(Ord. No. 4336-2/2013)

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

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

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

(3) Minimum lot requirements.

(a) Lot area – 20,000 sq. ft.

(b) Lot width – 100 ft.

(4) Minimum yard requirements.

(a) Front yard – 35 ft.

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

Buildings on corner lots shall provide a side yard on the street side of not less than twenty-five (25) feet; provided, that this regulation shall not be so interpreted as to reduce the buildable width of a corner lot in separate ownership on August 26, 1968 to less than sixty-five (65) feet.

(c) Rear yard – The depth of the rear yard shall be at least twenty percent (20%) of the depth of the lot, but such depth need not be more than thirty (30) feet, except that for a corner lot, the rear yard setback shall be the same as for the interior side yard, as described in the preceding subsection (b).

(5) Minimum dwelling size.

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

(6) Maximum lot coverage by all buildings.

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

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(7) Maximum height of structures.

(a) Except as otherwise provided in this Chapter, the maximum height of a principal structure shall be 35 feet above grade.

(b) The maximum height of an accessory structure shall not exceed the height of the principal structure by more than 25%.

(Code No. 3139-8/89, 3148-11/89, 3215-6/91, 3269-7/92, 3276-9/92, 3428-10/94, 3861-6/2002 and 4233-11/2009)

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

(1) Intent. This district is intended for suburban single-family residential areas with low population densities. Structures and uses required to serve governmental, education, religious, non-commercial recreational, and other needs of such areas are permitted within such districts or are permissible as conditional uses subject to restrictions intended to preserve and protect their single-family suburban residential character.

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

(3) Minimum lot requirements.

(a) Lot area - 1.5 acres (65,340 sq. ft.)

(b) Lot width - 100 ft.

Lot area may include one-half of abutting road right-of-way.

(4) Minimum yard requirements.

(a) Front yard - 35 ft.

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

Buildings on corner lots shall provide a side yard on the street side of not less than twenty-five (25) feet; provided that this regulation shall not be so interpreted as to reduce the buildable width of a corner lot in separate ownership on August 26, 1968 to less than sixty-five (65) feet.

(c) Rear yard - The depth of the rear yard shall be at least twenty percent (20%) of the depth of the lot, but such depth need not be more than thirty (30) feet, except that for a corner lot, the rear yard setback shall be the same as for the interior side yard, as described in the preceding subsection (b).

(5) Minimum dwelling size.

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

(6) Maximum lot coverage by all buildings.

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

(7) Maximum height of structures.

(a) Except as otherwise provided in this Chapter, the maximum height of a principal structure shall be 35 feet above grade.

(b) The maximum height of an accessory structure shall not exceed the height of the principal structure by more than 25%.

(Code No. 3139-8/89, 3215-6/91, 3269-7/92, 3276-9/92, 3428-10/94, 3861-6/2002 and 4233-11/2009)

34-205. R-2 Mixed-density neighborhood districts.

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

Zoning

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

(3) Minimum lot requirements.

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

(4) Minimum yard requirements.

(a) Front yard - 25 ft.

(b) Side yard - There shall be a side yard on each side of a building not less than five (5) feet, except that semi-attached dwellings may have a 0' setback when platted on lots with a party wall.

Buildings on corner lots shall provide a side yard on the street side of not less than fifteen (15) feet; provided, that this regulation shall not be so interpreted as to reduce the buildable width of a corner lot in separate ownership on August 26, 1968 to less than thirty-five (35) feet.

(c) Rear yard - The depth of the rear yard shall be at least twenty percent (20%) of the depth of the lot, but such depth need not be more than thirty (30) feet, except that for a corner lot, the rear yard setback shall be the same as for the interior side yard, as described in the preceding subsection (b).

(5) Minimum dwelling size.

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

(6) Maximum lot coverage by all buildings.

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

All words and phrases shall have their ordinary and customary meanings unless the context of the word or phrase indicates otherwise.

(7) Maximum height of structures.

(a) Except as otherwise provided in this Chapter, the maximum height of a principal structure shall be 35 feet above grade.

(b) The maximum height of an accessory structure shall not exceed the height of the principal structure by more than 25%.

(Ord. No. 4233-11/2009)

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

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

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

(3) Minimum lot requirements.

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

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

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

(4) Minimum yard requirements.

(a) All permitted uses except townhouses.

(i) Front yard - 25 ft.

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

Buildings on corner lots shall provide a side yard on the street side of not less than fifteen (15) feet; provided that this regulation shall not be so interpreted as to reduce the buildable width of a corner lot in separate ownership on August 26, 1968 to less than thirty-five (35) feet.

(iii) Rear yard - The depth of the rear yard shall be at least twenty percent (20%) of the depth of the lot, but such depth need not be more than thirty (30) feet, except that for a corner lot, the rear yard setback shall be the same as for the interior side yard, as described in the preceding subsection (b).

(b) Townhouses.

(i) Front yard - 20 ft.

(ii) Side yard at the common wall - none.

(iii) Side yard - 10 ft.

(iv) Rear yard - 10 ft.

(5) Minimum dwelling size.

(a) Single family - Six-hundred and fifty (650) sq. ft. of living floor area.

(b) Multi-family - None.

(6) Maximum lot coverage by all buildings.

(a) Maximum lot coverage by all buildings shall not exceed fifty (50%) percent.

(7) Maximum height of structures.

(a) Except as otherwise provided in this Chapter, the maximum height of a principal structure shall be 35 feet above grade.

(b) The maximum height of an accessory structure shall not exceed the height of the principal structure by more than 25%.

(Code No. 3139-8/89, 3163-3/90, 3205-2/91, 3215-6/91, 3269-7/92, 3276-9/92, 3428-10/94, 3491-8/95, 3861-6/2002, 3879-11/2002 and 4233-11/2009)

34-207. R-4 Urban neighborhood districts.

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

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

(3) Minimum lot requirements.

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

Multiple-family dwellings shall provide a usable yard area of one-hundred (100) sq. ft. per dwelling unit. All words and phrases shall have their ordinary and customary meanings unless the context of the word or phrase

(4) Minimum yard requirements.

(a) Townhouses.

(i) Front yard - 20 ft.

(ii) Side yard at the common wall - none.

(iii) Side yard - 5ft., except buildings 2 or more stories shall be 10 feet.

(iv) Rear yard - 10 ft.

(5) Minimum dwelling size.

(a) Single family - Six-hundred and fifty (650) sq. ft. of living floor area.

(b) Multi-family - None.

(6) Maximum lot coverage by all buildings.

(a) Maximum lot coverage by all buildings shall not exceed fifty (70%) percent.

(7) Maximum height of structures.

(a) Single-family and duplexes, 35 feet above grade.

(b) Townhouses and multi-family buildings up to 4 stories, and 12 feet, per story.

(c) The maximum height of an accessory structure shall not exceed the height of the principal structure or 24', whichever is less.

(8) Urban Residential Design Standards.

(a) Design Objective. The Design Objective of the Urban Residential Design Standards is to:

(i) Ensure compatibility and a consistent character throughout the districts and neighborhoods;

(ii) Promote a mix of building and dwelling types within the districts and neighborhoods.

(iii) Allow for more compact residential development patterns that have a closer relationship of smaller lots and public streetscapes;

(iv) Allow neighborhoods of greater density to be better integrated with adjacent mixed-use or commercial areas;

(v) Create neighborhood character and identity through a wide variety of diverse architectural details within a compatible range of residential building types and scales.

(vi) Encourage pedestrian-scale design of buildings, breaking up larger elements of mass and volume into smaller scales, creating permeable facades that relate buildings to the public streetscape, and adding interest and details to buildings when viewed from the public realm;

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(vii) Balance vehicle access to sites with the pedestrian character of streetscapes.

(b) Applicability. These standards apply to areas where diverse, walkable and mixed density neighborhoods are desired. Specifically, they apply to the R-4 zoning district.

(c) Streetscapes and Lot Frontages.

(i) Permitted Access. The access type permitted for residential lots shall be based upon the lot frontage according to the following table.

TABLE 207-1: PERMITTED RESIDENTIAL LOT ACCESS						
<i>Lot frontage</i> ➤ ▼ <i>Access Type</i> *	> 120'	75' to 120'	65' to 74'	55' to 64'	36' to 54'	< 36'
<i>Alley / Shared Rear Access</i>		☑	☑	☑	☑	☑
<i>Single-lane, Shared to Back</i>	☑	☑	☑	☑	☑	
<i>Single-lane, Private to Back</i>	☑	☑	☑	☑		
<i>Single-lane, Private to Front</i>	☑	☑	☑			
<i>Double-lane, Private to Front</i>	☑	☑				
<i>Unlimited, up to 15% Max</i>	☑					

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

(1) Single lane access shall be between 8.5' and 10' wide.

(2) Double lane access shall be no greater than 18' wide.

(3) Shared access lanes may be located at or on property lines, subject to appropriate easements indicated on a plat or other similar and recordable instrument.

(4) Private access lanes shall be at least 3' from any side property line.

(5) The access width limitation shall apply to all areas within the front setback area. It may be expanded beyond the setback to accommodate circulation and access within the lot or lots sharing the access.

(i) Permitted Access. The access type permitted for residential lots shall be based upon the lot frontage according to the following table.

(ii) Sidewalk Grades. Vehicle lot access to individual lots shall not interrupt sidewalk grades or materials at sidewalk crossings.

(iii) Pedestrian Access. Each building and each front building entrance shall have one direct pedestrian connection from the public streetscape to the building entrance. Where front loaded driveways are permitted according to these standards a connection to the driveway or a combination driveway / pedestrian connection may satisfy this requirement.

(iv) Front-loaded garage Limits. In addition to any general building setback standards for each zoning district, the design of front-loaded, attached garage doors shall be limited as follows:

(1) More than 40% of the front façade only permitted if set back greater than 50' from the front lot line;

(2) Garage doors that occupy between 25% and 40% of the front façade shall be set back at least 20' from the front building line, or at least 50' from the front lot line, whichever is less.

(3) Garage doors that occupy less than 25% of the front façade shall be built behind the front building line, or at least 35' from the front lot line, whichever is less.

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(4) Where front-loaded garage doors are prohibited by effect of these standards, garages shall be located on the side or back of the principal structure, or in an approved detached accessory structure, subject to the standards in the zoning district.

(5) In cases where the garage doors face side yard lines, the garage corner nearest the front lot line shall be at least 35' from the front lot line.

(6) The Director may approve alternative designs as exceptions to these limitations where due to topography or other unique elements of the site design and building orientation, the proposed garage doors will have a lesser impact on the public streetscape than is otherwise allowed by the standards.

(d) Building Design.

(i) Entrances. All buildings shall have one primary entrance on the front façade emphasized with structural components or architectural details and ornamentation that compliment the overall building design.

(ii) Encroachments. Bays, balconies, and other minor projections in the front façade may encroach up to 5' feet in front of the front building line, but in no case beyond the front lot line. Porches and stoops associated with a front entrance may encroach up to 10' in front of the front setback line provided they result in usable outdoor space (at least 8' deep), are at least 5' beyond the front lot line including steps and approaches, and any roof or associated structure is no greater than a single story.

(iii) Façade Openings. The front façade shall have between 15% and 35% of the façade area occupied by openings of windows and doors.

(iv) Horizontal Massing. Any building with a front façade width a width greater than 50' shall have differentiated horizontal massing through any combination of the following:

(1) Differentiated structural bays every 18' to 36', demonstrated by a vertical expression line of trim or ornamental architectural elements that distinguish it from the rest of the facade;

(2) Small off-sets in the façade between 2' and 5', associated with internal floor plan of the building and resulting in between 20' and 50' horizontal distance along each off-set segment; or

(3) An intervening courtyard, garden or other open space and resulting in no single portion of horizontal façade greater than 50'.

(v) Vertical Massing. Any building that is 3 stories, or more where specifically permitted, shall have differentiated vertical massing through the following:

(1) A base comprised of the first story, differentiated by a horizontal expression line of trim or ornamental architectural elements that distinguish it from the rest of the facade, or by a single story porch or stoop roof structure associated with the entrance and covering at least 50% of the facade;

(2) A cap comprised of one of the following:

(a) an eave line ornamental trim differentiating the roof structure where pitched roofs are used.

(b) a cornice or similar horizontal expression line differentiating the uppermost 10% to 15% of the façade, including the parapet where flat roofs are used.

(c) Where buildings more than 3 stories are specifically permitted, in addition to the expression line required by sub-section (2)(b). The upper story shall be differentiated with a similar horizontal expression line or a step back of the upper story of at least 10'.

(Ord. No. 4233-11/2009)

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

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

(1) Intent. This district is intended to include urban and suburban residential and professional office uses that are appropriate in areas undergoing a transition, or in areas where commercial uses might be damaging to established residential neighborhoods. This district is further intended to provide a broad mix of residential uses with certain specified business, personal professional services that can function efficiently without generating large volumes of vehicular traffic. The regulations and restrictions are intended to protect, preserve and enhance the residential uses

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while permitting uses characterized principally by consultative services or executive, administrative or clerical activities.

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

(3) Minimum lot requirements.

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

(a) Apartment building for eleven (11) or more families on sites having a minimum area of fourteen thousand (14,000) sq. ft. and minimum frontage of one-hundred (100) feet on a street of city collector or greater designation on the official major thoroughfare plan, shall be limited by a floor area ratio (F.A.R.)* of 2.0 and shall be subject to the yard requirements of this section.

(b) Floor Area Ratio is defined as the maximum gross floor area of a building on a lot or parcel, divided by the area of the lot or parcel. (F.A.R. of 2.0 provides for 28,000 gross sq. ft. of building on a lot with an area of 14,000 sq. ft.)

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

(4) Minimum yard requirements.

(a) Front yard - 25 ft.

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

(c) Rear yard - The depth of the rear yard shall be at least twenty percent (20) of the depth of the lot, but such depth need not be more than thirty-five (35) feet, except that for a corner lot, the rear yard setback shall be the same as for the interior side yard, as described in the preceding subsection (b).

(5) Minimum dwelling size.

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

(b) Multi-family - None.

(6) Maximum lot coverage by all buildings.

(a) Maximum lot coverage by all buildings shall not exceed fifty (50%) percent.

(7) Maximum height of structures.

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

(b) Except as otherwise provided in this Chapter, the maximum height of a multiple family dwelling shall be 45 feet above grade.

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

(Code No. 3139-8/89, 3163-3/90, 3205-2/91, 3215-6/91, 3269-7/92, 3276-9/92, 3428-10/94, 3448-12/94, 3491-8/95, 3705-9/99, 3861-6/2002, 3862-7/2002, 3947-4/2004, 3987-12/2004 and 4233-11/2009)

34-209. C-1 Local business districts.

Zoning

(1) Intent. This district is intended to provide a wide range of small-scale commercial uses to meet the daily and frequent needs of urban and suburban residents.

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

(3) Minimum lot requirements.

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

(a) Apartment building for eleven (11) or more families on sites having a minimum area of fourteen-thousand (14,000) sq. ft. and minimum frontage of one-hundred (100) feet on a street of city collector or greater designation on the official major thoroughfare plan shall be limited by floor area ratio (F.A.R.)* of 2.0 and shall be subject to the yard requirements of this Section.

(b) Floor Area Ratio is defined as the maximum gross floor area of a building on a lot or parcel, divided by the area of the lot or parcel. (F.A.R. of 2.0 provides for 28,000 gross sq. ft. of building on a lot with an area of 14,000 sq. ft.)

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

(4) Minimum yard requirements.

(a) Non-commercial use.

(i) Front yard - 25 ft.

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

Buildings on corner lots shall provide a side yard on the street side of not less than fifteen (15) feet; provided that this regulation shall not be so interpreted as to reduce the buildable width of a corner lot in separate ownership on August 26, 1968 to less than thirty-five (35) feet.

(iii) Rear yard - The depth of the rear yard shall be at least twenty percent (20%) of the depth of the lot, but such depth need not be more than thirty (30) feet, except that for a corner lot, the rear yard setback shall be the same as for the interior side yard, as described in the preceding subsection (ii).

(b) Commercial uses.

(i) Front yard - None; provided, however, if the building is set back from the front property line it shall be a minimum of ten (10) feet.

(ii) Side yard - None; provided, however, if the building is set back from the property line it shall be a minimum of five (5) feet except; that where a side line of a lot in this district abuts upon the side line of a lot in a district R-1 to C-O inclusive, there shall be a side yard of not less than ten (10%) percent of the lot width, but not less than seven (7) feet.

Buildings on corner lots shall provide a side yard on the street side of not less than then (10) feet; provided that this regulation shall not be so interpreted as to reduce the buildable width of a corner lot in separate ownership on August 26, 1968 to less than thirty (30) feet.

(iii) Rear yard - None; except that not less than ten (10) feet shall be provided next to an existing alley and not less than fifteen (15) feet shall be provided when next adjacent to any abutting property in a district R-1 to C-O, inclusive.

(5) Minimum dwelling size.

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

(b) Multi-family - None.

(6) Maximum lot coverage by all buildings.

(a) Maximum lot coverage by all buildings shall not exceed fifty (50%) percent.

(7) Maximum height of structures.

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

(b) Except as otherwise provided in this Chapter, the maximum height of a multiple family dwelling shall be 45 feet above grade.

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

(Ord. No. 3215-6/91, 3242-12/91, 3276-9/92, 3448-12/94, 3861-6/2002, 3947-4/2004 and 4233-11/2009)

34-210. C-2 Central business districts.

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

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

(3) Minimum lot requirements.

(4) Minimum yard requirements.

(a) Front yard - None; provided, however, if the building is set back from the front property line it shall be a minimum to ten (10) feet.

(b) Side yard - None; provided, however, if the building is set back from the property line it shall be a minimum of five (5) feet, except that, where a side line of a lot in this district abuts upon the side line of a lot in a district R-1 to C-O inclusive, a side yard of not less than ten (10) feet shall be provided.

(c) Rear yard - None.

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

(6) Maximum height of structures.

Except as otherwise provided in this Chapter, the maximum height of the principal structure shall not exceed one hundred and twenty (120) feet in height above grade.

(7) Minimum dwelling size.

(a) None.

(Ord. No. 3223-9/91, 3276-9/92, 3448-12/94, 3573-2/97, 3649-9/98, 3861-6/2002, 3947-4/2004, 4233-11/2009 and 4304-9/2011)

34-211. C-3 Commercial business districts.

(1) Intent. This district includes those areas which are heavily exposed to automobile traffic and which have been developed with general commercial uses. The district is intended specifically for those areas surrounding major arterial intersections where personal services, convenience goods, and auto-related service facilities are desirable and appropriate land uses.

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

Zoning

(3) Minimum lot requirements.

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

(a) Apartment building for eleven (11) or more families on sites having a minimum area of fourteen thousand (14,000) sq. ft. and minimum frontage of one hundred (100) feet on a street of city collector or greater designation on the official major thoroughfare plan shall be limited by Floor Area Ratio (F.A.R.)* of 2.0 and shall be subject to the yard requirements of this Section.

(b) Floor Area Ratio is defined as the maximum gross floor area of a building on a lot or parcel, divided by the area of the lot or parcel. (F.A.R. of 2.0 provides for 28,000 gross sq. ft. of a building on a lot with an area of 14,000 sq. ft.)

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

(4) Minimum yard requirements.

(a) Residential uses.

(i) Front yard - 25 ft.

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

Buildings on corner lots shall provide a side yard on the street side of not less than fifteen (15) feet; provided that this regulation shall not be so interpreted as to reduce the buildable width of a corner lot in separate ownership on August 26, 1968 to less than thirty-five (35) feet.

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

(b) Commercial uses.

(i) Front yard - None; provided, however, if the building is set back from the front property line it shall be a minimum of ten (10) feet.

(ii) Side yard - None; provided, however, if the building is set back from the property line it shall be a minimum of five (5) feet except; that where a side line of a lot in this district abuts upon the side line of a lot in a District R-1 to C-O inclusive, a side yard of not less than ten (10) feet shall be provided.

Buildings on corner lots shall provide a side yard on the street side of not less than ten (10) feet; provided that this regulation shall not be so interpreted as to reduce the buildable width of a corner lot in separate ownership on August 26, 1968 to less than thirty (30) feet.

(iii) Rear yard – None; except that not less than ten (10) feet shall be provided adjacent to an existing alley and not less than fifteen (15) feet shall be provided next to any abutting property in a District R-1 to C-O, inclusive.

(5) Minimum dwelling size.

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

(b) Multi-family – None.

(6) Maximum lot coverage by all buildings.

(a) Residential uses – 50%

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(b) Other uses – None

(7) Maximum height of structures.

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

(b) Except as otherwise provided in this Chapter, the maximum height of a multiple family dwelling shall be 45 feet above grade.

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

(Ord. Nos. 3133-7/89, 3218-6/91, 3215-6/91, 3242-12/91, 3284-11/92, 3292-1/93, 3397-6/94, 3428-10/94, 3448-12/94, 3488-7/95, 3861-6/2002, 3947-4/2004 and 4233-11/2009)

34-212. CMP Campus institutional districts.

(1) Intent. The CMP Institutional Campus District is intended as a planned zoning district to assist and encourage the development of educational, institutional, and medical uses, and their complementary land uses, in a campus setting. This district should focus on organizing buildings and uses around distinct gathering places, and create a highly pedestrian or “park-once” environment within the campus. It is applicable to areas where improved pedestrian and civic amenities can coordinate development of compatible uses and designs through a specific master plan. This district is applicable to institutions which:

- Have multi-block common ownership of lands;
- Have developed a long-range master site plan; and
- Have developed a campus support system of internal streets, civic or natural open spaces, or pedestrian routes that create effective connections and transitions to areas around the campus.

The minimum land area for the master plan shall be 10 acres. The master plan shall be approved by the City through the rezoning process. The master plan may include alternatives to the default development standards provided for this district where the alternative development standards meet the intent of this district; and/or where existing buildings and structures may be integrated into the master plan and maintain the intent of this district.

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

(3) Minimum area requirements. At least 10 acres for a campus, except that a campus master plan for areas larger than 10 acres may establish satellite campus areas below this level, provided the satellite area is included in the master plan and pedestrian access and movement is provided to the satellite area.

(4) Minimum Yard Requirements.

(a) Front yard – Ten (10) feet, except buildings fronting directly on public or common open spaces that provide pedestrian access to the building shall require no front setback.

(b) Side yard – Ten (10) feet.

(c) Rear yard – Ten (10) feet.

(d) A minimum 20' landscape buffer shall be required in addition to any required setbacks and open space when building heights are more than 2 times the height allowed in any adjacent or abutting residential use or zoning district.

(5) Maximum lot coverage. The maximum lot coverage by all buildings and impervious surfaces shall not exceed 90% of the buildable area; excluding required open space.

(6) Maximum height of structures. The maximum height shall be 60 feet, except portions setback from the property line by more than 30 feet may have a height of up to 130 feet; provided in no event shall an alternative standard be approved that would violate the approach zone requirements of the Hastings Municipal Airport.

(7) Campus Design Standards. Due to the unique development pattern, and the important relationship and integration between uses, sites and buildings in the CMP District, the following site and building standards shall apply:

(a) Master Development Plan. Any CMP district may be proposed according to an overall master plan that alters the Lot Standards and Campus Standards of set forth in this district, provided the master development plan meets the intent of this district.

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(b) Pedestrian Circulation. Each campus area shall include pedestrian circulation at an equal or greater frequency than the surrounding block structure. This can be provided by sufficient pedestrian amenities on any internal circulation streets, or by a separate trail or sidewalk system associated with the required open space and common areas.

(c) Required Open Space / Common Area. Each campus area shall contribute to the overall public or common open space for the district according to the following:

(i) A minimum of 15% of the campus area allocated to formal open spaces such as greens, plazas, or courtyards that provide pedestrian amenities in and around the campus.

(ii) A minimum of 20% of formal open space of the campus area is required if the Floor Area Ratio is above 2.0.

(iii) A minimum of 25% of the campus area is required if the campus is organized around a system of natural open spaces, such as trails, gardens, wooded areas or other similar natural areas.

(iv) A minimum 20 foot landscape buffer shall be required in addition to any required setbacks and open space when building heights are more than two (2) times the height allowed in any adjacent or abutting residential use or zoning district.

(d) Building Elements. All buildings shall include the following elements:

(i) Primary Entrance Features. All buildings shall have a primary entrance feature oriented towards the lot frontage or building/site arrival point. The entrance feature shall have direct pedestrian connections to the public streetscape or public or common open space with minimal interruptions by parking areas or driveways.

(ii) Horizontal Massing. Any building with a front façade width greater than 150' shall have aesthetic visual breaks in the façade through any one or a combination of the following:

(1) Differentiated offsets of 3' to 10' every 50' to 75', demonstrated by a vertical expression line of trim or ornamental architectural elements that distinguish it from the rest of the façade, and associated with enhanced landscape features or other similar civic amenities;

(2) An intervening courtyard or plaza meeting the requirements of sub-section (7)(c)., resulting in no single portion of horizontal façade greater than 75'.

(e) Site Screening. Any delivery and service areas, external support equipment, site utility areas, or other similar high-impact elements of site and building design shall be subject to the following, where possible:

(i) All delivery or service areas and loading docks shall be located on a discrete façade, and internal to the block wherever possible.

(ii) Any rooftop equipment shall be screened from view of the adjacent public streetscape or other public or common opens spaces by a parapet on flat roofs, or located on a discrete pitch for pitched roofs.

(iii) Any service areas, loading docks, service equipment, or other site utility area that is visible from adjacent property or public right-of-way shall be screened with a landscape buffer or set back at least 50' from any property line.

(iv) All parking shall meet the generally applicable parking design standards of these regulations.
(Ord. No. 4233-11/2009 and 4398-7/2014)

34-213. I-1 Light industrial districts.

(1) Intent. This district is intended primarily for urban and suburban light industrial, manufacturing, processing, storage, wholesaling and distribution operations; but also permits commercial uses. The regulations are intended to allow efficient use of the land while, at the same time, making the district attractive and compatible for a variety of non-residential uses.

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

(3) Minimum lot requirements.

| Lot Area Lot Width

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Use	(sq. ft.)	(lin. ft.)
All Uses	None	None

(4) Minimum yard requirements.

(a) Front yard - None; except that set back of not less than fifty (50) feet shall be provided along all federal and state highways.

(b) Side yard - None; except if a building is set back from the property line, the minimum side yard shall be at least three (3) feet.

(c) Rear yard - None;

(5) Maximum lot coverage by all buildings.

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

(6) Maximum height of structures.

(a) Except as otherwise provided in this Chapter, the maximum height of a principal structure shall not exceed ninety (90) feet in height above grade.

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

(Ord. No. 3110-1/89, 3396-5/94, 3397-6/94, 3510-1/96, 3637-5/98, 3861-6/2002, 3995-2/2005, 4003-5/2005 and 4233-11/2009)

34-214. I-2 Heavy industrial districts.

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

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

(3) Minimum lot requirements.

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

(4) Minimum yard requirements.

(a) Front yard - None; except that a setback of not less than fifty (50) feet shall be provided along all federal and state highways.

(b) Side yard - None; except if a building is set back from the property line, the minimum side yard shall be at least three (3) feet.

(c) Rear yard - None;

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

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

(Ord. No. 3110-1/89, 3396-5/94, 3510-1/96, 3637-5/98, 3702-9/99, 3995-2/2005, 4003-5/2005 and 4233-11/2009)

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

(1) Intent. This district is intended to provide maximum flexibility in the development of property and at the same time to preserve and maintain the character and integrity of adjacent lands. It is an alternative to the base district standards where a plan for development equally or better meets the intent of the district or districts uses, better

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addresses site specific conditions including transitions to adjacent areas, and better service the public purpose than would otherwise occur under base standards.

(2) Each of the residential, commercial or industrial districts (R-1 to I-2 inclusive) shall have a separate and distinct counterpart, known, and herein referred to as: planned residential, planned commercial or planned industrial district. A planned district shall be for the purpose of permitting and regulating the uses permitted in the equivalent district, except as provided herein, and further, provide for and encourage latitude and flexibility in the location of buildings, structures, roads, drives, variations in yards and open spaces subsequent to a recommendation from the Planning Commission and the approval of the plan by the City Council. The intent is to allow development of tracts of land to their fullest extent, and at the same time observe the general intent and spirit of these regulations. It is anticipated that by presenting a plan for a specific improvement or use, a rezoning request could be recommended, whereas the request would appear too liberal if all permitted uses under such zoning were allowed.

(3) Planned residential districts. Planned residential districts may be permitted as follows:

Planned District Equivalent District

RP-1 R-1

RP-2 R-2

RP-3 R-3

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

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

(4) Planned commercial and industrial districts. Planned commercial and industrial districts may be permitted as follows:

Planned District Equivalent District

CP-O C-O

CP-1 C-1

CP-2 C-2

CP-3 C-3

IP-1 I-1

IP-2 I-2

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

(5) Procedure for rezoning property to a planned district. A tract of land may be zoned to a District R P-1 through IP-2 inclusive, only upon application by the owner or his agent, and only upon approval of a preliminary development plan for the tract. The proponents of a planned development shall prepare and submit to the Planning Commission, a preliminary development plan.

(6) Application procedure.

(a) Applications for a planned district shall be submitted to the Development Services Department Office at least fifteen (15) days prior to the next regularly scheduled monthly meeting of the Planning Commission. The application shall be submitted on forms provided by the Department and shall be accompanied by a non-refundable fee in an amount set forth in the Hastings City Council Resolution of fees.

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

(i) A narrative statement describing the proposed development, indicating the phases of construction, projected construction starting and completion dates and any other relevant information concerning the development.

(ii) The boundaries of the tract to be developed, and the area adjacent for a distance of not less than three hundred (300) feet, indicating the zoning classification of said property and the approximate location of buildings.

(iii) The existing topography of the tract.

(iv) A site plan drawn to a scale of fifty (50) feet to the inch or larger indicating the proposed location and arrangement of buildings, structures, parking areas, existing and proposed streets, drives and other public ways, public property, drainage, screening, landscaping and other features of the proposed development.

(v) Sufficient dimensions to indicate the relationship between buildings, streets, drives and property lines.

(vi) Preliminary elevations and plan drawings of proposed buildings.

(vii) In the case of rezoning applications for purposes of construction centers having an ultimate floor area of sixty thousand (60,000) square feet or more, a market analysis of the City trade area, prepared by competent and experienced analysts, may be required in support of the application. Such analysis shall show plainly and accurately the role that the proposed center will play in the City's retail economy.

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

(b) The Planning Commission shall advertise and hold a public hearing on the application and plan, as provided in Section 34-801(2) for any changes, amendments or appeals. The Commission shall recommend approval or denial of the plan and report. At the conclusion of the public hearing, the plan and supporting data shall be sent on to the City Council for action.

(c) After final approval of the preliminary development plan and rezoning of the land by the City Council, the applicant shall prepare final plans for the development. All conditions and revisions to the preliminary plan shall be incorporated into the final plan.

(d) The final plans shall be submitted to the Development Services Department and approved as to compliance with the City Council-approved preliminary plan prior to the issuance of a building permit. No building construction regrading or excavation work is to take place on the site until after the final plans have been approved.

(e) If the Development Services Department disapproves the final plans, the Department's action may be appealed to the Planning Commission, which shall hold a public hearing upon said appeal as provided in subsection (b) above.

(7) Amendments. All requests for amendments to any approved plan shall be reviewed by the Planning Commission and approved by the City Council, if found to be consistent with the purposes of this Section; provided however, the Planning Director is hereby authorized to approve minor incidental exterior site changes in keeping with the character and intent of the approved planned district development plans. Such administrative approval shall be limited to the following:

(a) Parking lot and landscaping improvements including striping and redesignation of required parking areas.

(b) Within residential, commercial and industrial planned districts, the Planning Director may approve minor revisions to an approved plan including exterior facade changes, building area increases, fences, decks, signs and similar building and site appurtenances providing the character and intent of the original plan approval is preserved and maintained.

An appeal from the Planning Director's denial of a requested minor change may be taken to the Planning Commission. The procedure for such appeals shall be the same as provided for amendments under Section 34-801(2) of this chapter.

(8) The City Engineer and Development Services Director are hereby authorized to administratively approve interior building changes or remodeling within buildings in approved planned districts. Such approval shall be limited to the following:

Zoning

(a) Interior changes or remodeling within buildings located within approved planned district developments to the extent such changes do not affect any changes in the exterior building dimensions approved by the City Council.

(b) Interior changes intended to accommodate a use not included in the planned district regulations for the property shall not be allowed under this Section until first approved by the Hastings City Council under the provisions of this section.

(Ord. No. 3122-6/89, 3585-6/97, 3895-3/2003 and 4233-11/2009)

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

(1) Statutory authorization, findings of fact and purposes.

(a) Statutory authorization.

The Legislature of the State of Nebraska has in Neb. Rev. Stat., Section 19-901, delegated the responsibility to local government units to adopt zoning regulations designed to protect the health, safety and general welfare. Therefore, the City Council of Hastings, Nebraska ordains as follows:

(b) Findings of fact.

(i) Flood losses resulting from periodic inundation. The flood hazard areas of Hastings, Nebraska, are subject to inundation which results in loss of life and property, health, and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(ii) General causes of these flood losses. These flood losses are caused by (1) The cumulative effect of obstruction in floodways causing increases in flood heights and velocities, (2) the occupancy of flood hazard areas by uses vulnerable to floods or hazardous to others which are inadequately elevated or otherwise protected from flood damages.

(iii) Methods used to analyze flood hazards. This section uses a reasonable method of analyzing flood hazards which consists of a series of interrelated steps.

(1) Selection of a base flood which is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The base flood selected for this section is representative of large floods which are reasonably characteristic of what can be expected to occur on the particular streams subject to this section.

It is in the general order of a flood which could be expected to have a one percent (1%) chance of occurrence in any one (1) year, as delineated in the City's official flood plain study, and illustrative materials dated February 17, 1981, effective date, August 17, 1981, as amended.

(2) Calculation of water surface profiles based upon a hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the base flood.

(3) Computation of the floodway required to convey this flood without increasing flood heights more than one (1) foot at any point.

(4) Delineation of floodway encroachment lines within which no obstruction is permitted which would cause any increase in flood height.

(5) Delineation of floodway fringe, i.e., that area outside the floodway encroachment lines but which still is subject to inundation by the base flood.

(c) Statement of purpose.

It is the purpose of this section to promote the public health, safety and general welfare and to minimize those losses described in Section (B)(2)(a) by applying the provisions of this section to:

(i) Restrict or prohibit uses which are dangerous to health, safety or property in times of flooding or cause undue increases in flood heights or velocities.

(ii) Require that uses vulnerable to floods, including public facilities which serve such uses, be provided with flood protection at the time of initial construction.

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(iii) Protect individuals from buying lands which are unsuited for intended purposes because of flood hazard.

(iv) Assure that eligibility is maintained for property owners in the community to purchase flood insurance in the National Flood Insurance Program when identified by the Federal Insurance Administration as a flood prone community.

(2) General provisions.

(a) Lands to which this applies.

This section shall apply to all lands within the jurisdiction of the City of Hastings, Nebraska identified on the Flood Insurance Rate Map (FIRM) as numbered and unnumbered A Zones and/or within the Zoning Districts FW and FF established in Section (E) of this section. In all areas covered by this section, no development shall be permitted except upon a permit to develop granted by the governing body or its duly designated representative under such safeguards and restriction as they may reasonably impose for the promotion and maintenance of the general welfare and health of the inhabitants of the community where specifically noted in Sections (F), (G) and (H).

(b) The enforcement officer.

The City Engineer of the City is hereby designated as the Council's duly designated Enforcement Officer under this section.

(c) Rules for interpretation of district boundaries.

The boundaries of the floodway and floodway fringe overlay districts shall be determined by scaling distances on the official zoning map. Where interpretation is needed to the exact location of the boundaries of the districts as shown on the official zoning map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions, the Enforcement Officer shall make the necessary interpretation. In such cases where the interpretation is contested, the Board of Adjustment will resolve the dispute. The base flood elevation for the point in question shall be the governing factor in locating the district boundary on the land. The person contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence, if he so desires.

(d) Compliance.

No development located within known flood hazard areas of the City shall be located, extended, converted or structurally altered without full compliance with the terms of this section and other applicable regulations.

(e) Abrogation and greater restrictions.

It is not intended by this section to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this section imposes greater restrictions, the provision of this section shall prevail. All other ordinances inconsistent with this section are hereby repealed to the extent of the inconsistency only.

(f) Interpretation.

In their interpretation and application, the provisions of this section shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by state statutes.

(g) Warning and disclaimer of liability.

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

(h) Severability.

If any section, clause, provision or portion of this section is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this section shall not be affected thereby.

Zoning

(i) Application for appeal.

(i) Where a request for a permit to develop or a variance is denied by the City Engineer, the applicant may apply for such permit or variance directly to the Board of Adjustment.

(ii) The Board of Adjustment may grant or deny such request by appropriate resolution adopted within (ten) 10 days after the date of such application to the Board of Adjustment.

(3) Development permit.

(a) Permit required.

No person, firm or corporation shall initiate any development or substantial improvement or cause the same to be done without first obtaining a separate permit for development as defined in sub-section M of this section.

(b) Administration.

(i) The City Engineer is hereby appointed to administer and implement the provisions of this section.

(ii) Duties of the City Engineer shall include, but not be limited to:

(1) Review all development permits to assure that sites are reasonably safe from flooding and that the permit requirements of this section have been satisfied.

(2) Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.

(3) Notify adjacent communities and the Nebraska Natural Resources Commission Flood Plain Management Section prior to any alteration or relocation of a water-course, and shall submit evidence of such notification to the Federal Insurance Administration when participating in the National Flood Insurance Program.

(4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

(5) Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures.

(6) Verify and record the actual elevation (in relation to mean sea level) to which new or substantially improved structures have been flood-proofed.

(7) When floodproofing is utilized for a particular structure, the City Engineer shall be presented certification from a registered professional engineer or architect.

(c) Application for permit.

To obtain a permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every such application shall:

(i) Identify and describe the work to be covered by the permit.

(ii) Describe the land on which the proposed work is to be done by lot, block, tract and house and street address, or similar description that will readily identify and definitely locate the proposed building or work.

(iii) Indicate the use or occupancy for which the proposed work is intended.

(iv) Be signed by the permittee or his authorized agent, who may be required to submit evidence to indicate such authority.

(v) Give such other information as reasonably may be required by the City Engineer.

(4) Establishment of zoning districts.

The mapped flood plain areas within the jurisdiction of this section are hereby divided into the two following districts: A floodway overlay district (FW) and a floodway fringe overlay district (FF) as identified in the official Flood Plain Study. Within these districts all uses not meeting the standards of this section and those standards of the underlying zoning district shall be prohibited. These zones shall be consistent with the numbered and unnumbered

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A Zones as identified on the official FIRM when identified in the Flood Insurance Study provided by the Federal Insurance Administration.

(5) Standards for the floodway overlay district and the floodway fringe overlay district.

(a) No permit for development shall be granted for new construction, substantial improvement and other improvements, including the placement of manufactured homes within the identified flood plain unless the conditions of this section are satisfied.

(b) All areas identified as unnumbered A Zones by the Federal Insurance Administration are subject to inundation by the 100-year flood; however, the water surface elevation was not provided. The unnumbered A Zones shall be subject to all development provisions of this section. If Flood Insurance Study data is not available, the City shall utilize any base flood elevation data currently available within its area of jurisdiction.

(c) New construction, subdivision proposals, substantial improvement, prefabricated building, placement of manufactured homes and other developments shall require:

(i) Design or anchorage to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy.

(ii) New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination.

(iii) Construction with materials resistant to flood damage, utilizing methods and practices that minimize flood damages, and with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(iv) All utility and sanitary facilities must be elevated or flood-proofed one (1) foot above the regulatory flood elevation.

(v) That until a floodway has been designated, no development including landfill, may be permitted within the identified flood plain unless the applicant for the land use has demonstrated that the proposed use, when combined with all other existing and reasonably anticipated uses, will not increase the water surface elevation of the 100-year flood more than one (1) foot on the average cross-section of the reach in which the development or landfill is located as shown in the official flood plain study incorporated by pursuant to sub-section (B)(2)(c)(i) of this section.

(vi) Storage of material and equipment.

(vii) The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal or plant life is prohibited.

(viii) Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

(ix) Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, be required to assure that (1) all such proposals are consistent with the need to minimize flood damage, (2) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated and constructed to minimize or eliminate flood damage, (3) adequate drainage is provided so as to reduce exposure to flood hazards, and (4) proposals for development (including proposals for manufactured home parks and subdivisions) of five (5) acres of fifty (50) lots, whichever is lesser, include within such proposals the regulatory flood elevation.

(6) Floodway fringe overlay district.

(a) Permitted uses.

Any use permitted in Section (H) shall be permitted in the Floodway Fringe Overlay District. No use shall be permitted in the district unless the standards of Section 5.0 of (H) Floodway Overlay District are met.

(b) Standards for the floodway fringe overlay district.

(i) Requirements for new construction or substantial improvements:

Zoning

(1) Residential structures shall have the lowest floor, including basements, elevated one (1) foot above the base flood elevation, unless a flood proofed basement is constructed as outlined in Section (6)(b)(ii).

(2) Non-residential structures shall have the lowest floor, including basement, elevated one (1) foot above the base flood elevation or, together with attendant utility and sanitary facilities, be flood proofed so that below such a level the structure is watertight with walls substantially impermeable to the passage of water, and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Section (3)(b)(ii)(4).

(ii) The Federal Emergency Management Agency (FEMA) approved on July 13, 1983, the request of the City of Hastings for an exception to 44 CFR 60.3(b)(4) of the National Flood Insurance (NFIP) regulations. This exception allows the construction of dry-proofed residential basements below the base flood elevation subject to the following regulations:

(1) All new construction and substantial improvement of residential structures with basements within Zones A1-30 and Zone A on the community's Flood Insurance Rate Map (FIRM) shall be designed so that the first floor is at least one (1) foot above the base flood level. Any basement area, together with attendant utilities and sanitary facilities below that level, shall be designed so that the structure is water-tight with walls that are impermeable to the passage of water without human *intervention. Basement walls shall be built with the capacity to resist hydrostatic and hydrodynamic loads and the effects of buoyancy resulting from the 100-year frequency flood and shall be designed so minimal structural damage will occur if this design flood is exceeded.

(2) Basements constructed in accordance with this regulation shall not be used for sleeping purposes.

(3) A registered professional engineer or architect shall certify that the flood-proofing measures used in the structure satisfy these standards. This certification shall include the specific elevation (in relation to mean sea level) to which the structure is floodproofed. Such certification shall be provided to the City official as set forth in Section (3)(b)(ii)(7).

(4) The City shall certify that the structure has been built in accordance with this design.

(iii) Require for all new construction and substantial improvements without basements that fully enclosed areas (crawl spaces) below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(iv) Manufactured homes. All manufactured homes shall be anchored to resist flotation, collapse, or lateral movement. Manufactured homes must be anchored in accordance with local building codes or FEMA guidelines. In the event that over-the-top frame ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:

(1) Over-the-top ties shall be provided at each of the four (4) corners of the manufactured home with two (2) additional ties per side at intermediate locations, and manufactured homes less than fifty (50) feet long shall require one (1) additional tie per side.

(2) Frame ties shall be provided at each corner of the home with five (5) additional ties per side at intermediate points, and manufactured homes less than fifty (50) feet long shall require four (4) additional ties per side.

(3) All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4800) pounds.

(4) Any additions to manufactured homes shall be similarly anchored.

(v) Require that all manufactured homes to be placed within Zones A1-30, AH and AE on the community's FIRM, be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section (6)(b)(iv).
(Ord. No. 3171-5/90 and 4233-11/2009)

(7) Floodway overlay district.

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Permitted uses. Only uses having a low flood-damage potential and not obstruction flood flows shall be permitted within the Floodway District to the extent that they are not prohibited by any other ordinance and provided they do not require structures, fill, or storage of materials or equipment. No use shall increase the flood levels of the base flood elevation. These uses are subject to the standards of Section (5) and (6).

(a) Agricultural uses such as general farming, pasture, nurseries, forestry.

(b) Residential uses such as lawns, gardens, parking and play areas.

(c) Non-residential areas such as loading areas, parking, airport landing strips.

(d) Public and private recreational uses such as golf courses, archery ranges, picnic grounds, parks, wild-life and nature preserves. New placement of residential structures including manufactured homes is prohibited within the identified floodway (FW) area.

(e) Replacement of manufactured homes in existing manufactured home parks and subdivisions is prohibited unless the conditions of Section (6)(b)(iv) and (7) are met.

(f) In Zone A unnumbered, obtain, review and reasonably utilize any floodway data available through Federal, State or other sources or Section (5)(c)(iv) of this Chapter, in meeting the standards of this Section.

(8) Variance.

(a) The Board of Adjustment, as established by the City of Hastings, shall hear and decide appeals and requests for variances from the requirements of this section.

(b) The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the City Engineer in the enforcement or administration of this section.

(c) Any person aggrieved by the decision of the Board of Adjustment or any taxpayer may appeal such decision to the Adams County District Court as provided in Neb. Rev. Stat., Section 19-912.

(d) In passing upon such applications, the Board of Adjustment shall consider all technical evaluations, relevant factors and standards specified in other sections of this Section, and:

(i) the danger that material may be swept onto other lands to the injury of others;

(ii) the danger to life and property due to flooding or erosion damage;

(iii) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(iv) the importance of the services provided by the proposed facility to the community;

(v) the necessity to the facility of a waterfront location, where applicable;

(vi) the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(vii) the compatibility of the proposed use with existing and anticipated development;

(viii) the relationship of the proposed use to the comprehensive plan and flood plain management program for that area;

(ix) the safety of access to the property in times of flood for section and emergency vehicles;

(x) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,

(xi) the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(e) Conditions for variances.

Zoning

(i) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (b)-(f) below have been fully considered. As the lot size increases beyond the one-half acre, the technical jurisdiction required for issuing the variance increases.

(ii) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

(iii) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(iv) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(v) Variances shall only be issued upon (1) a showing of good and sufficient cause, (2) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (3) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(vi) Any applicant to whom a variance is granted shall be given a written notice that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(9) Non-conforming use.

(a) A structure or the use of structure or premises which was lawful before the passage or amendment of this section but which is not in conformity with the provisions of this section may be continued subject to the following conditions:

(i) No such use or substantial improvement of that use shall be expanded, changed, enlarged, or altered in a way which increases its nonconformity.

(ii) If such use is discontinued for twenty four (24) consecutive months, any future use of the building premises shall conform to this section. The Utility Department shall notify the City Engineer in writing of instances of nonconforming uses where utility services have been discontinued for a period of twenty four (24) months.

(iii) Uses or adjuncts thereof which are or become nuisances shall not be entitled to continue as nonconforming uses.

(b) If any residential nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50) percent of the market value of the structure before the damage occurred within those areas identified as floodway (FW). This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building, or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

(c) If any non-residential nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50) percent of the market value of the structure before the damage occurred, except if it is reconstructed in conformity with the provisions of this section.

This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building, or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

(10) Penalties for violation.

(a) Violation of the provisions of this section or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person who violates this Section or fails to comply with any of its requirements shall upon conviction thereof be fined not more than one hundred (\$100.00) dollars, and in addition, shall pay costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

(b) Nothing herein contained shall prevent the City of Hastings or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

(11) Amendments.

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The regulations, restrictions, and boundaries set forth in this section may from time to time be amended, supplemented, changed, or appealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen (15) days notice of the time and place of such hearing shall be published in newspaper of general circulation in the City of Hastings. The regulations of this section are in compliance with the National Flood Insurance Program Regulations as published in the Federal Register, Volume 41, Number 207, dated October 26, 1976, and the 1967 Nebraska Flood Plains Regulations Act.

(12) Definitions.

Unless specifically defined below, words or phrases used in this section shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this section its most reasonable application.

(a) Actuarial rates - or "risk premium rates" are those rates established by the Federal Insurance Administrator pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with 42 U.S.C. 4014 and the accepted actuarial principles. Actuarial rates include provisions for operating costs and allowances.

(b) Appeal - a request for a review of the City Engineer's interpretation of any provision of this section or a request for a variance.

(c) Area of special flood hazard - the land in the flood plain within a community subject to one (1) percent or greater chance of flooding in any given year.

(d) Base flood elevation - elevation indicated in the official flood plain study as the elevation of the 100-year flood.

(e) Base flood protection elevation - an elevation one (1) foot higher than the water surface elevation of the base flood.

(f) Channel - a natural or artificial watercourse of perceptible extent, with a definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow, thus, is that which is flowing within the limits of a defined channel.

(g) Community - any state or area or political subdivision thereof which has authority to adopt and enforce flood plain management regulations for the areas within its jurisdiction.

(h) Development - any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

(i) Existing construction - (for the purposes of determining rates) structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRM's effective before that date. "Existing Construction" may also be referred to as "existing structures."

(j) Flood or flooding - a general and temporary condition of partial or complete inundation of normally dry land areas from: (a) the overflow of inland or tidal waters, (b) the unusual and rapid accumulation of runoff of surface waters from any source.

(k) Flood insurance rate map (FIRM)-an official map of a community, on which the Flood Insurance Study has delineated the Flood Hazard Boundaries and the zones establishing insurance rates applicable to the community.

(l) Flood insurance study - the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

(m) Flood plain management - the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plan, flood control works, and flood plain management regulations.

(n) Flood protection system – those physical structural works constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard." Such a system typically includes levees or dikes. These specialized modifying works are those constructed in conformance with sound engineering standards.

Zoning

(o) Flood proofing – any combination of structural and non-structural additions, changes or adjustments to structures, including utility and sanitary facilities, which would preclude the entry of water. Structural components shall have the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.

(p) Floodway (FW) – the channel of a river or other watercourse and the adjacent portion of the flood plain that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one (1) foot at any point assuming equal conveyance reduction outside the channel from the two (2) sides of the flood plain.

(q) Floodway fringe (FF) – that area of the flood plain, outside of the floodway, that on an average is likely to be flooded once every 100 years (i.e.: that has a one (1) percent chance of flood occurrence in any one (1) year.)

(r) Freeboard – a factor of safety usually expressed in feet above a flood level for purposes of flood plain management. “Freeboard” tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, clogged bridge openings, and the hydrological effect of urbanization of the watershed.

(s) Highest adjacent grade – the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

(t) Lowest floor – the lowest floor of the lowest enclosed are (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building’s lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this section.

(u) Manufactured home – a structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term “manufactured home” also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days. For insurance purposes the term “manufactured home” does not include park trailers, travel trailers, and other similar vehicles.

(v) Manufactured home park or subdivision – a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

(w) New construction – structures for which the “start of construction or substantial improvement” is commenced on or after the effective date of the FIRM.

(x) Overlay district – a district which acts in conjunction with the underlying zoning district or districts.

(y) Start of construction – (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)) includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

(z) Structure – a walled and roofed building that is principally above ground, as well as a manufactured home, and a gas or liquid storage tank that is principally above ground.

(aa) Any repair, reconstruction, or improvement of a structure-, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either, (a) before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (a) any project for improvement of a structure to comply with existing, state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (b) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

(bb) Variance - a grant of relief to a person from the requirements of this section which permits construction in a manner otherwise prohibited by this section where specific enforcement would result in unnecessary hardship.

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(cc) 100-year flood - the base flood having a one (1) percent chance of annual occurrence.
(Ord. No. 4233-11/2009)

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

The vicinity of the Hastings Municipal Airport, located in Section 3, Township 7 North, Range 10 West, (Denver Township) and Southwest 1/4 of Section 34, Township 8 North, Range 10 West, (Highland Township) of 6th P.M., in Adams County, Nebraska, from the boundaries of such airport, to a distance of three(3) statute miles in all directions from the adjacent boundaries of the airport to the extent such property is located within the corporate or jurisdictional limits of the City, is hereby declared an airport hazard area and is hereby zoned as follows:

(1) Hazard area description.

The Hazard Area consists of Operation Zones, Approach Zones, Turning Zones and Transition Zones. The outer boundary of the Hazard Area is composed of a series of connected tangents and simple curves which also constitute the outer boundaries of the Approach and Turning Zones.

(2) Zone description.

(a) The Operation Zones shall be located along each existing or proposed runway, landing strip or other portion of the airfield used regularly, or to be used regularly, for the landing or taking off of airplanes and shall begin or end at each end of each landing strip and two hundred (200) feet beyond the end of each runway and shall be one thousand (1000) feet in width for each instrument runway or landing strip and five hundred (500) feet in width for all other runways and landing strips.

(b) The Approach Zones shall begin at the ends of their respective Operation Zones and shall extend and expand uniformly centered along the extended centerline of the respective runway or landing strip, to the outer boundary of the Approach Zone at a rate of 30 feet of width for each one hundred (100) feet of horizontal length for the instrument runway or landing strip and twenty (20) feet of width for each one hundred (100) feet of horizontal length for all other runways.

(c) The Inner Area of each Approach Zone shall be that portion of the Approach Zone beginning at the end of the respective or proposed Operation Zone and extending to the intersection of the controlling glide angle with a plane one hundred and fifty (150) feet above the highest elevation of the end of the respective runway or landing strip.

The Outer Area of each Approach Zone shall be the area between the outer limit of the Inner Area of the Approach Zone and the outer limit of the Approach Zone.

(d) The Transition Zones shall be the areas bounded by the Operation Zones of the Hazard Area, the sides of contiguous inner areas of Approach Zones and the outer limits of the Transition Zones; said outer limits of the Transition Zones being the intersections, at elevations of one hundred and fifty (150) feet above the highest elevation at the ends or edges of the closest runway or landing strip or proposed runway or landing strip, of a series of contiguous planes originating from bases established by the Operation Zones of the Hazard Area and the edges of adjacent inner areas of approach zones; said planes rising from their respective bases along lines perpendicular to the center line of the landing strip or runway at the rate of one (1) foot vertically to seven (7) feet horizontally to the lines of intersection previously referred to.

(e) The Turning Zones shall comprise all portions of the Hazard Area not contained in the Operation Zones, Approach Zones and in the Transition Zones. The outer limits of the Turning Zones shall be a series of points forming a line which is the horizontal distance of three (3) statute miles from the nearest points along the airport property lines.

(3) Height restrictions.

No building, transmission line, communication line, pole, tree, smoke-stack, chimney, wires, tower or other structure or appurtenance thereto of any kind or character shall hereafter be erected, constructed, repaired or established, nor shall any tree or other object of natural growth be allowed to grow:

(a) In Inner Areas of Approach Zones to a height above the elevation of the nearest point on the end or proposed end of said instrument runway or landing strip in excess of 1/50, and all other runways or landing strips in excess of 1/40 of the distance from the end of the approach zone (the end nearest the runway or landing strip) to said structure or object;

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(b) In the Outer Area of Approach Zones and in Turning Zones to a height in excess of 150 feet above the elevation at the end or proposed end of the nearest runway or landing strip;

(c) In the Transition Zones to a height above the planes forming the transition slopes; and

(d) In the existing or proposed Operation Zones to a height above the existing or proposed finished grade of said runway or landing strips or surface of the ground.

(4) Location sketch and zoning map.

(a) Boundaries, operation zones, approach zones, transition zones, and turning zones of said airport are as indicated on the Zoning Map, Drawing No. ZN-HT-02 which accompanies and is hereby made a part of these regulations, a copy of which shall at all times be on file in the Office of the City Clerk, Hastings, Nebraska.

(5) Permit required, exceptions, application forms and permit fees.

(a) Permit required.

It shall hereafter be unlawful to erect, construct, reconstruct, repair, or establish any building, transmission line, communication line, pole, tower, smoke-stack, chimney, wires or other structure or appurtenance thereto of any kind or character or to plant or replant any tree or other object of natural growth, within the boundary of the zoned area of said airport without first obtaining a "permit" from the Administrative Agency.

(b) Exceptions.

In the Outer Area of Approach Zones and within the Turning Zones, no permit shall be required for any construction or planting which is not higher than seventy-five (75) feet above the elevation of the end of the nearest runway or landing strip.

(c) Application forms.

Application for a permit as required under these regulations shall be made upon a form to be available in the Development Services Department, City of Hastings, and shall indicate the approximate location, ground elevation with reference to the elevation at the end of the nearest runway or landing strip and height of the proposed structure or planting. (Mean Sea Level Elevation)

(6) Non-conforming structures.

(a) Within the zoned area as herein before defined, no non-conforming building, transmission line, communication line, pole, tree, smoke-stack, chimney, wires, tower or other structure or appurtenance thereto of any kind or character or object of natural growth shall hereafter be replaced, substantially reconstructed, repaired, altered, replanted or allowed to grow, as the case may be, to a height which constitutes a greater hazard to air navigation than existed before these regulations were adopted nor above the heights permitted by these regulations if such structures or objects of natural growth have been torn down, destroyed, have deteriorated or decayed to an extent of thirty (30) percent or more of their original condition, or abandoned for a period of twelve months or more. Transmission lines and communication lines as referred to in these regulations shall be interpreted to mean all poles, wires, guys and all other equipment necessary for the operation and maintenance of same within the zone regulated.

(7) Marking of non-conforming structures.

(a) Whenever the Administrative Agency shall determine, or shall be notified by the Planning Commission or the Nebraska Department of Aeronautics, that a specific non-conforming structure or object exists and has existed prior to the passage of these regulations and within the zoned area herein before described at such a height or in such a position as to constitute a hazard to the safe operation of aircraft landing at or taking off from said airport, the owner or owners and lessor or lessors of the premises on which such structure or object is located shall be notified in writing by the said Administrative Agency and shall within a reasonable time permit the marking thereof by suitable lights or other signals designated by the Agency and based on the recommendations of the Nebraska Department of Aeronautics. The cost of such marking shall not be assessed against the owner or lessor of said premise.

(8) Administrative agency.

(a) The Development Services Director of the City of Hastings, Nebraska shall administer and enforce these regulations, and shall be the administrative agency provided for in Section 3-319, R.R.S., 1943, and shall have all the powers and perform all the duties of the administrative agency as provided by the Airport Zoning Act.

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(9) Zoning board of adjustment.

(a) The Zoning Board of Adjustment of the City of Hastings, Nebraska, shall be the Board of Adjustment with respect to these regulations, to have and exercise the powers conferred by Section 3-32 0, R.R.S., 1943, and such other powers and duties as are conferred and imposed by law.

(Ord. No. 3893-3/03 and 4233-11/2009)

Article III. Supplementary District Regulations.

34-301. Scope of application.

In addition to the regulations applied to individual zoning districts in Article II of these regulations, the regulations contained in this Article apply to individual districts, groups of districts, or all districts as specified. The regulations shall apply to all zoning district where a special application is not set forth. For the purpose of this Article, the term "residential district(s)" shall apply to the Agricultural, R-1, R-1A, R-1S, R-2, R-3 and R-4 Districts. The term "business or commercial district(s)" apply to the C-0, C-1, C-2, C-3 and CMP Districts. The term "manufacturing or industrial district(s)" shall apply to the I-1 and I-2 Districts.

(Ord. No. 4233-11/2009)

34-301A. Institutional uses in residential areas.

Occupancy of a single dwelling or a group of dwellings upon a single lot or group of lots serving as a functionally related unit, by more than 15 persons shall be considered to be an institutional use similar to nursing homes or convalescent homes and shall not be a residential use falling within the definition of single-, two-family or multiple-family dwellings or of housing for handicapped persons.

(Ord. No. 3215-6/91 and 4233-11/2009)

34-302. Home occupations.

Home occupations shall be subject to the following:

(1) No person other than the permanent inhabitants residing in the dwelling unit shall be engaged in a home occupation.

(2) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the floor area not to exceed seven-hundred and fifty (750) square feet of the dwelling shall be used in the conduct of the home occupation.

(3) There shall be no change in the outside of the building or premises, nor shall there be other visible evidence of the conduct of such home occupation other than one (1) sign not exceeding two (2) square feet in area, non-illuminated, and mounted flat against the principal building.

(4) No home occupation shall be conducted in any accessory building.

(5) Except as otherwise provided herein, there shall be no wholesale or retail sale of merchandise nor any activities involving stock in trade on the premises.

(6) No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in Chapter 34-308. Off-Street Parking and Loading for that area of the dwelling unit employed for the home occupation. No required off-street parking spaces shall be located in a required front yard.

(7) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuation in line voltage off premises.

(8) No commercial vehicles or equipment used in the conduct of the business shall be parked or kept on the premises except for one of the following: a car, pickup truck, station wagon or van belonging to the owner and identifying the business.

(9) Notwithstanding subsection (5) above, persons possessing a valid permit issued by the Bureau of Alcohol, Tobacco, & Firearms, may, as a home occupation, buy, sell, or trade firearms at wholesale or retail, and engage in gunsmithing, the repair of firearms, and reloading and sale of ammunition.

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(10) Permitted home occupations shall be the following uses or uses substantial uses similar in impact and extent as determined by the Development Services Director.
(Ord. No. 3681-5/99 and 4233-11/2009)

34-303. Completion and restoration of buildings.

Nothing contained in this Chapter shall require any change in the plans, construction or designated use of a building for which a building permit has been heretofore issued, and plans for which are on file at the Development Services Department on August 26, 1968, and the construction of which in either case shall have been diligently prosecuted within one (1) year of the date of such permit, and the ground story framework of which, including the second tier of beams, shall have been completed, according to such plans as filed, within two years from such date.
(Code 1973, 40-9; Ord. No. 2255 and 4233-11/2009)

34-304. Height and area exceptions.

The regulations and requirements as to height of buildings and area of lots which may be occupied by buildings, front yards, side yards, rear yards and other regulations and requirements in this Chapter shall be subject to the following exceptions and additional regulations:

(1) Height.

(a) Principal buildings in Districts R-1, R-1A, R-1S, or R-2 may be increased in height not exceeding ten (10) feet in addition to the limitations of two and one-half (2 1/2) stories, or thirty-five (35) feet, as prescribed in such Districts; provided, that two (2) side yards of not less than twenty (20) feet in width each are provided. In no case shall such buildings exceed three stories in height.

(b) Parapet walls and false mansards shall not extend more than eight (8) feet above the actual building height. Flagpoles, chimneys, cooling towers, elevator bulkheads, mechanical pent houses, finials, gas tanks, grain elevators, stacks, storage towers, radio towers, ornamental towers, monuments, cupolas, domes, spires, standpipes, and necessary mechanical appurtenances may be erected up to 20 feet of the actual building height.

(c) On through lots one hundred twenty-five (125) feet or less in depth, the height of a building may be measured from the curb level of either street. On through lots of more than one hundred twenty-five (125) feet in depth, the height regulations for the street permitting the greater height, shall apply to a depth of not more than one hundred twenty-five (125) feet from the street.

(2) Area per family.

(a) For any building providing jointly for hotel and apartment house uses, the number of families permitted in apartments by the lot area requirements per family shall be reduced in the same proportion as the total floor area devoted to hotel or non-house-keeping rooms bear to the total floor area devoted to both uses.

(3) Yard exceptions.

(a) In Districts A, R-1, R-1A, R-1S, R-2, R-3 and R-4, where lots comprising forty (40) percent or more of the frontage on the same side of a street between two (2) intersecting streets, excluding transverse lots, and having not more than two and one-half (2 1/2) acres in area are developed with buildings having front yards with a variation of not more than ten (10) feet in depth, the average of such front yards shall establish the minimum front yard depth for the remainder of the frontage.

(b) Where an official line has been established for future widening or opening of a street or a highway upon which a lot abuts, then the depth or width of a yard shall be measured from such official line to the nearest line of the building.

(c) Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, belt courses, cornices, chimneys, buttresses, ornamental features and eaves; provided, that none of the above projections shall extend into a court more than six (6) inches nor into a minimum yard more than thirty (30) inches; and provided further, that canopies or open porches having a roof area not exceeding sixty (60) square feet may project a maximum of six (6) feet into the required front or rear yard; and existing open porches extending into the required yard shall not be enclosed.

(d) An open fire escape may project into a required side yard not more than half the width of such yard, but not more than four (4) feet from the building. Fire escapes, solid floored balconies and enclosed outside stairways may project not more than four feet into a rear yard.

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(e) No rear yard shall be required in Districts C-1 to I-2 inclusive on any lot used for business or industrial purposes, the rear line of which adjoins a railway right of way or which has a rear railway track connection.

(f) In computing the depth of a rear yard for any building where such yard abuts an alley, one-half of such alley may be assumed to be a portion of the rear yard.

(g) A through lot having one end abutting a limited access highway, with no access permitted to that lot from said highway, shall be deemed to front upon the street which gives access to that lot.

(h) In Districts R-1, R-1A, R-1S, R-2, R-3 and, one required side yard may be reduced to allow construction of a one or two family dwelling within three (3) feet of an interior side property line, provided the opposite required side yard shall then and thereafter have a width equal to the required side yard established by Code for the district in which the properties are located, plus the amount by which the other side yard is reduced, subject to the following:

(i) A separation of not less than ten (10) feet shall be provided between any adjacent principal buildings on abutting lots where the side yard reduction is utilized.

(ii) A covenant between the applicant and the owner of the property abutting the reduced side yard shall be executed by all named owners and spouses, duly acknowledged, and filed with the Register of Deeds of Adams County, Nebraska, and shall be in substantially the following form:

BUILDING COVENANT

_____, hereinafter referred to as "Applicant," as owner of the following described real estate:

(Applicant's Property)

and _____, the owner of the property abutting property of the Applicant along the side on which Applicant seeks to establish a side yard of a size smaller than as generally provided by applicable local and state zoning regulations, ordinances, or statutes, hereinafter referred to as "Abutting Owner," described as follows:

(Abutting Owner's Property)

hereby covenant and agree that a building permit may be issued by the City of Hastings, Nebraska, to enable Applicant to locate the principal structure on Applicant's property to within _____ feet of the common property line of the above described properties; subject to the following:

(1) Abutting Owner acknowledges that Hastings City Code Section 34-304(3)(i) requires a minimum separation of at least ten (10) feet between any adjacent buildings in Districts R-1, R-1A, R-1S, R-2, R-3 and R-3G, and that by joining in this covenant, seven (7) feet of the common property line, or less, is prohibited to the extent that it would violate the aforementioned ten (10) foot restriction.

(2) Applicant has advised Abutting Owner of the anticipated effect the location of the principal structure as set forth above shall have on drainage on the properties.

(3) Abutting Owner acknowledges that if any dispute arises between the parties with respect to drainage, it is a private matter between them.

(4) This Building Covenant is a private covenant and agreement between the parties, not subject to enforcement by the City of Hastings. The City's interest in this covenant is for notice purposes in the event of future construction of or upon the principal structure on either of the above described properties.

(5) This Building Covenant shall terminate when the improvement which is the subject of this covenant is removed.

(6) This Building Covenant shall run with the land and be binding upon the heirs, successors and assigns of the respective parties hereto.

Applicant

Zoning

STATE OF NEBRASKA)
) SS:
COUNTY OF ADAMS)

The foregoing Building Covenant was acknowledged before me this _____ day of _____, 19____, by _____, Applicant and was executed in the order set forth above.

Notary Public

Abutting Owner

STATE OF NEBRASKA)
) SS:
COUNTY OF ADAMS)

The foregoing Building Covenant was acknowledged before me this _____ day of _____, 19____, by _____, Abutting Owner and was executed in the order set forth above.

Notary Public

(iii) No building permit under this section shall be issued until the Applicant has delivered to the Development Services Director the aforementioned covenant, duly executed and acknowledged, and in satisfactory, with notation thereon that it has been filed with the Register of Deeds of Adams County, Nebraska.

(iv) After filing said covenant with the Register of Deeds, the applicant shall present to the Development Services Director, a certificate of title issued by a licensed abstractor showing, as to each of the properties affected, the names of the record owners, legal description, the covenant, and any previously existing covenants, liens and encumbrances.
(Ord. No. 3223-9/91, 3584-6/97, 3947-4/2004 and 4233-11/2009)

34-305. Landscape and open space design.

(1) Design Objective. The Design Objectives of the Open Space and Landscape Design standards are to:

(a) Create an attractive aesthetic environment in Hastings, and preserve the value of adjacent properties as development and redevelopment occurs.

(b) Value the design, function, and perceptual impact of open space, rather than simply the quantity of space, and ensure that open space is not merely left over or under-utilized space.

(c) Coordinate site designs between adjacent sites and between sites and the public right-of-way to maximize public and private investment in landscape and open space design.

(d) Create context-based design standards that provide citizens with greater access to a wider variety of quality open spaces dependent upon the context of the site.

(e) Locate open space elements at prominent locations and in appropriate quantities to create a focal point for multiple developments.

(f) Integrate natural systems into the common or public open space to allow open space to serve multiple functions including aesthetic, screening, environmental, and recreational functions.

(g) Integrate transitions between constructed elements and open space design into site designs, and use buffers and separations only when no other design will maintain compatibility with adjacent sites.

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(h) Reduce the exposure and adverse impacts of intense land uses, activities and site elements on streets and adjacent areas, and mitigate the effects through landscape and open space designs.

(i) Improve the environment through site development by using landscape designs that cooling air and land, reducing air pollutants, and reducing pollutants in and quantities of storm water runoff.

(2) Required Open Space.

(a) Residential Open Space. In addition to any required setbacks, screening or buffer area, all development sites shall have access to functional open spaces required by this section meeting the design and location requirements for one of the Open Space Types in Table 305-2. Open space shall be provided at a minimum rate of 500 square feet of open space for each dwelling unit or at the discretion of the Planning Commission, except that the A district is exempt from any open space requirement.

TABLE 305-2: RESIDENTIAL OPEN SPACE			
TYPE	SIZE	MAXIMUM SERVICE AREA*	DESIGN CHARACTERISTICS
GREENWAY OR GREEN BELT	At least 30' wide at all points	Within ¼ mile	<ul style="list-style-type: none"> • A long linear corridor of natural vegetation, typically following a stream or other natural feature. • Often includes a pedestrian trail, bikeway, or other paths. • May border streets or be internal to the block structure, but shall include pedestrian connections at all street intersections.
COMMUNITY PARK	4 to 10 acres	½ mile radius	<ul style="list-style-type: none"> • Predominantly natural landscape although small portions may be designed and constructed for aesthetic purposes, formal gatherings, and structured recreation purpose. • May include some areas for structured recreation, such as ball fields, courts, or playgrounds, but generally no more than 25% of the total Park area. • Bordered by streets on at least 2 sides.
NEIGHBORHOOD PARK	½ to 4 acres	¼ mile radius	<ul style="list-style-type: none"> • A balance of formal and natural landscape, but no more than 15% of the park area may be impervious surface. • May include some areas for structured recreation n, such as courts or playgrounds, but generally no more than 50% of the total park area. • Bordered by streets on at least 2 sides
POCKET PARK / PLAYGROUND	4000 s.f. to ½ acre	600' radius	<ul style="list-style-type: none"> • Primarily formal landscape for aesthetic purposes, structured recreation, informal gathering or occasional public seating, but no more than 50% of the park may be impervious surface. • Bordered by streets on at least 1 side and a minimum of 25% of the perimeter.
COURTYARD	1000 s.f. to 4000 s.f	Within same block	<ul style="list-style-type: none"> • Entirely formal landscape for aesthetic purposes, informal gathering or occasional public seating, and up to 80% impervious surface. • Bordered by streets on at least 1 side and a minimum of 25% of the perimeter. • Bordered by building facades with primary building entrances on at least 2 sides.

* Maximum service area shall be measured based on direct connections on dedicated pedestrian walkways from the lot line to the open space edge.

(b) Non-residential Open Space. In addition to any required setbacks, screening or buffer area, all non-residential development sites shall have access to functional open spaces required by this section meeting the design and location requirements for one of the Open Space Types in Table 305-3. Open space shall be provided at a rate of one square foot of open space for each 50 square feet of non-residential building footprint area, plus an additional square foot of open space for every 100 square feet of floor area above the first story except that the I-1 and I-2 districts are exempt from any open space requirement.

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TABLE 305-3: NON-RESIDENTIAL OPEN SPACE			
TYPE	SIZE	MAXIMUM SERVICE AREA*	DESIGN CHARACTERISTICS
GREEN	1 to 5 acres	1/3 mile radius	<ul style="list-style-type: none"> • Generally there are few constructed elements except as an entry to the Green or a gathering created place as a focal point for the Green. • Formal edge landscaped elements define any boundaries of the Green not bordered by public rights-of-way. • Bordered by streets on at least 2 sides. Buildings on opposite sides of the streets bordering the Green shall be Street-front buildings with primary building entrances. • May be bordered by building facades with primary building entrances on one side, but the Green should cover at least 2/3 of the block upon which it is located.
SQUARE	½ to 2 acres	1000' radius	<ul style="list-style-type: none"> • Largely comprised of constructed materials to withstand heavy pedestrian traffic, but contains intermittent lawns, landscape beds, or trees in a formal pattern. No more than 50% of the square should be impervious surfaces. • Bordered by streets on at least 3 sides. Buildings on opposite sides of the streets bordering the square shall be Street-front buildings with primary building entrances. • Any side not bordered by a street shall be bordered by building facades with primary building entrances. • The size of Squares should be coordinated with the height of surrounding buildings to maintain a ratio of building height to Square width between 1:1 and 1:4.
PLAZA	4000 s.f. to ½ acre	600'	<ul style="list-style-type: none"> • Largely comprised of constructed materials to withstand heavy pedestrian traffic, and may be entirely impervious surface with formal landscape beds and public art. • Bordered by streets on at least 2 sides. Buildings on opposite sides of the streets bordering the Plaza shall be Street-front buildings with primary building entrances. • Any side not bordered by a street shall be bordered by building facades with primary building entrances. • The size of the Plaza should be coordinated with the height of surrounding buildings to maintain a ratio of building height to Plaza width between 2:1 and 1:2.
COURTYARD	1000 s.f. to 4000 s.f.	Within same block	<ul style="list-style-type: none"> • Entirely formal landscape for aesthetic purposes, informal gathering or occasional public seating, and up to 80% impervious surface. • Bordered by streets on at least 1 side and a minimum of 25% of the perimeter. • Bordered by building facades with primary building entrances on at least 2 sides.

* Service area shall be measured based on direct connections on dedicated pedestrian walkways from the entrance to the non-residential building to the open space edge.

(c) Ownership. Open space may be in private ownership, common ownership, or public ownership.

(i) If in private ownership, it shall only serve the lot it is located on, unless legal access is otherwise granted to surrounding lots.

(ii) If in common ownership, documentation demonstrating the administrative and financial capacity for the common ownership to maintain the open space shall be provided.

(d) Credits. Existing private, common, or public open space within the maximum service area may be credited to the site provided all lots demonstrate a legal right of access to the open space and all other size and design requirements are met.

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(e) Additional Limitations and Location Guidelines.

(i) The area of any water body, such as a lake, stream or pond, shall only contribute to the general open space requirement an amount of 50% of its actual area.

(ii) Open space should be located in areas that maximize its visibility, functional characteristics, and relationship to other open spaces in the vicinity.

(iii) Formal open space should be located at prominent focal points visible from public streetscapes.

(iv) Natural open spaces should be located in areas where its ecological, aesthetic, and recreational impact will be the greatest.

(v) All open space shall be located where the greatest pedestrian access is achieved.

(3) Landscape Plantings. All development sites shall include landscape plantings throughout the site according to the following specific site elements and requirements. Preservation of existing vegetation may count towards these requirements provided measures are taken to ensure the survival of the vegetation and all other location and design standards are met. All landscape plantings shall meet the American Standards for Nursery Stock, published by the American Nurserymen’s Association, and be selected for its native characteristics or survival in the climate for the Hastings region.

(a) Street Trees. Street trees shall be planted according to the approved species list and approved planting recommendations by the City of Hastings Parks and Recreation Department. Street trees shall be provided on all development sites according to the following:

TABLE 305-4 STREET TREES	
RESIDENTIAL SITES	1 large canopy tree for every 100’ of street frontage or a minimum of 1 tree per street frontage if less than 100 feet.
NON-RESIDENTIAL SITES	1 large canopy tree for every 75’ of lot frontage; or 1 medium canopy tree for every 40’ of lot frontage; or 1 ornamental tree for every 30’ of lot frontage

* Street trees shall be planted in tree lawns between the sidewalk and curb, at least 5’ wide, or in tree-wells with a minimum permeable surface area of 24 s.f. and minimum width of 4’, or elsewhere along the lot frontage where context and avoidance of conflicts with utilities dictate.

** Street trees shall be at least 1.5” caliper at the time of planting.

(b) Open Space. All open space required by this section shall include the following minimum landscape plantings:

TABLE 305-5 OPEN SPACE LANDSCAPE MATERIALS	
CANOPY TREES	1 large canopy tree for every 1000 feet of required open space up to a maximum requirement of 40 trees; or 1 medium canopy tree for every 750 square feet up to a maximum requirement of 70 trees <ul style="list-style-type: none"> • <i>Exception:</i> open spaces smaller than 4000 square feet shall not require any canopy trees;
ORNAMENTAL TREES	1 ornamental tree for every 1000 square feet of required open space up to a maximum requirement of 50 trees.
SHRUBS OR HEDGE	1 shrub or hedge for every 20 linear feet of perimeter of the open space up to a maximum requirement of 100 shrubs or hedges.
ALL OTHER PERMEABLE SURFACES	All other permeable surfaces in the open space shall include ground cover to prevent dust and soil erosion. Perennial vegetative ground cover such as sod or turf grass shall be required on at least 80% of the ground cover. Non-living ground cover such as stones, rocks or mulch may be permitted on up to 20% of the ground cover.

(c) Site and Foundation Plantings. All non-residential sites shall include the following general site landscape plantings:

TABLE 305-6 SITE AND FOUNDATION PLANTINGS	
ORNAMENTAL TREE.*	1 ornamental tree for every 40 linear feet of street-facing facades.
SHRUBS OR HEDGE**	1 shrub or hedge for every 20 liner feet of street-facing façade.

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ALL OTHER PERMEABLE SURFACES	All other permeable surfaces on the site shall include ground cover to prevent dust and soil erosion. Perennial vegetative ground cover such as sod or turf grass shall be required on at least 80% of the ground cover. Non-living ground cover such as stones, rocks or mulch may be permitted on up to 20% of the ground cover.
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- * Buildings permitted within 10' of the right-of-way are exempt from this requirement.
- ** Buildings permitted at the right-of-way (0' setback) are exempt from this requirement.

(d) Parking Area. All off-street parking areas with greater than 15 parking spaces shall provide the following landscape plantings:

TABLE 305-7 PARKING AREA LANDSCAPE MATERIALS	
ORNAMENTAL OR CANOPY TREE	1 large canopy tree for every 40 spaces; or 1 medium canopy tree for every 25 spaces; or 1 ornamental tree for every 15 spaces
SHRUBS OR HEDGE*	1 shrub or hedge for every 10 linear feet of perimeter landscape strip required by Section 34-308(7) or area along an internal access street or public street.
ALL OTHER PERMEABLE SURFACES	All other perimeter landscape strips or internal landscape islands required by Section 34-308(7) shall be permeable surfaces with perennial vegetative ground cover, such as sod or turf grass.

(4) Buffers, Screens, and Fencing. In addition to any setback requirements, open space requirements, and landscape requirements, development sites shall include buffers and screening. However, appropriate site design may allow buffers and screening requirements in this section to meet other site design requirements with respect to required open space and require landscape materials.

(a) Required Buffers. A continuous opaque buffer area shall be required to ensure that adjacent uses or districts are compatible and that impacts on adjacent properties are minimized, subject to the following:

TABLE 305-8 REQUIRED BUFFER AREA		
BUFFER REQUIRED BETWEEN -	AND -	BUFFER WIDTH
A	All other districts	20'
R-M	All other districts	20'
C-3 or C-O	Any residential district	30'
C-1 or C-2	Any residential district	15'
I-1 or I-2	Any Residential district	30'
I-1	C-1 or C-2	20'
I-1	C-O or C-3	10'
I-2	Any C or R district	30'

All buffers and screens required by Table 305-8, above shall include the following landscape planting. Where a buffer area is also meeting another site development requirement, these landscape planting requirements shall be in addition to the landscape planting requirements otherwise applicable for that area of the site:

- (i) 1 large canopy for every 400 square feet of required buffer; or 1 medium canopy tree for every 300 square feet of required buffer; or 1 ornamental tree for every 200 square feet of required buffer.
- (ii) 1 shrub or hedge for every 10 linear feet of buffer.
- (iii) All landscape planting shall be located to provide the best year-round screening from the buffered property.

(b) Screening. All of the following shall be screened from streets or adjacent property with dense evergreen vegetation, a decorative opaque fence or wall matching the architectural details and materials of the building, or a combination of both.

- (i) Electrical and mechanical equipment such as transformers, air conditioners, of communication equipment and antennas;
- (ii) Permanent or temporary outdoor storage areas;

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(iii) Trash enclosures; and

(iv) Utility stations;

(v) Delivery and vehicle service bays, except that bays do not need to be screened from adjacent property with the same or more intense zoning.

(vi) Non-residential parking lots within 30' of residential lots.

(c) Fencing. All fencing for screening, security, or privacy shall meet the following standards.

(i) Permits.

(1) No fence shall be constructed, erected or moved until a fence permit is obtained from the Building Inspector for said fence.

(2) The application for a fence permit shall be on a form prescribed by the Building Inspector, including a plot plan showing the fence location in relation to property lines and buildings on the property and indicating the height of the fence.

(3) A fee shall be paid for the fence permit as set forth in the fee resolution adopted by the Hastings City Council.

(4) The height of any fence may be increased with the approval of the City Council, when such increase in height will not unduly interfere with or affect the neighboring owners' use of their respective properties.

(ii) Front and Street-side Fencing. All fencing in required front yard, between the front building wall line and the street, shall:

(1) Be limited to no higher than 4 feet; and

(2) Have a void of at least 33% up to 4 feet, so that a 4-foot high picket fence shall have a picket to void ratio of 2:1 or greater transparency.

(iii) Rear and Side Fencing. All rear and side fencing located behind the front building line shall:

(1) On corner lots, fences located in a street-side side-yard which abuts the front yard of a neighboring property, shall be limited to the heights and materials that apply to the neighboring front yard.

(2) All other side or rear fencing may have a solid screen up to 6 feet for all R-districts, or up to 7 feet in all non-residential districts.

(iv) Other Fencing Design Standards.

(1) Any fencing that could potentially create a sight obstruction for vehicles crossing pedestrian areas, such as sidewalks, or entering the street may require greater transparency or additional location restrictions to allow for safe sight distances for the vehicle.

(2) All fencing located along adjacent lot lines shall be constructed so that either:

(a) The face of the fence is on the property line; or

(b) The face of the fence is at least 3 feet from the property line. Any areas set back 3 feet or more from the property line, which could become enclosed by other similarly located fences, shall provide at least one gate for access and maintenance equipment.

(3) All fences shall be constructed so that the finished side faces adjacent property or any public right-of-way.

(4) Fences shall be constructed out of any of the following materials:

(a) Wood or vinyl simulating wood;

(b) Wrought iron or aluminum simulating wrought iron;

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(c) Stone, brick, concrete with stone or brick veneer, or pre-cast concrete simulated stone or brick; or

(d) In Districts C-3, I-1 and I-2, fences may be constructed of metal panels not exceeding 6 feet in height, provided the color and style match the principal structure(s) on the lot; or

(e) Chain link or vinyl clad chain link:

(i) In all R-districts, in the rear or side yard only with a maximum height of 4 feet;

(ii) In the C-3, I-1 and I-2 districts, in the rear and side only, but no closer than 30' from any public street;

(iii) Prohibited in all C-districts.

(5) Electrified fencing in the R-1A or A districts only, and only when associated with a permitted agriculture use of the property.

(6) All fences shall be maintained in a neat, straight, true and structurally sound condition.

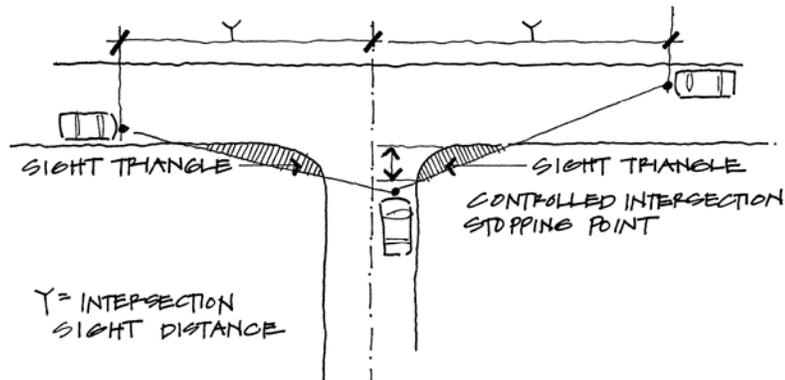
(d) Visibility at Intersections. Proper lines of sight shall be maintained at all intersections of streets, streets with alleys or driveways, and internal access streets.

(i) Limited-Controlled Intersections. Traffic on lower class streets shall stop or yield at intersections with equal or higher-class streets. The proper line of sight shall be an unobstructed view from the stopping point on the approaching street to all points three feet above the roadway along the centerline of the intersecting street. The distance of the unobstructed view shall be based upon the design speed of the intersection street, specified in Table 305-9 Clear Sight Distance.

TABLE 305-9: CLEAR SIGHT DISTANCE	
DESIGN SPEED OF INTERSECTING STREET	INTERSECTION SIGHT DISTANCE*
15 MPH	105'
20 MPH	125'
25 MPH	150'
30 MPH	200'
35 MPH	225'-250'
40 MPH	275'-325'
45 MPH	325'-400'

* measured along centerline of intersecting street – Distance is “Y” in associated figure 305-1.
 SOURCE: AASHTO, Policy on Geometric Design of Highways and Streets
 (Washington, D.C.: AASHTO, 990)

(ii) Sight Triangle. No building or other type of visual obstruction shall be placed or maintained within the triangle created by the centerline of the street intersection, the stopping point on the approaching street, and the sight distance specified in Table 305-9 Clear Sight Distance to the centerline of the intersecting street. (See Figure 305-1)



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Figure 305-1– Sight Distances on Limited Controlled Intersections. The appropriate “sight triangle” should be based upon the character of the intersection (location and nature of stopping point) and the design speed of the approaching traffic into which the vehicle will be entering. Distance Y represents the Intersection Sight Distance in Table 305-9

(iii) Limited Obstructions. Street trees, light poles, or sign posts are allowed within the sight triangle provided that they do not have any foliage, limbs, or other broad obstructions between 2 and 8 feet.

(iv) Fully-Controlled Intersections. Fully controlled intersections, where signalization establishes and prioritizes safe turning movements, may deviate from the above sight triangle standards if site conditions warrant and based upon a recommendation of the City Engineer.

(5) Lighting.

(a) Mounting Height. All exterior lighting shall be limited to the mounting heights specified in the following table:

TABLE 305-10: MAXIMUM LIGHTING MOUNTING HEIGHT	
DRIVEWAYS AND PARKING AREAS	<ul style="list-style-type: none"> • 37.5' in C- and I- districts • 25' in all other districts
PEDESTRIAN WALKWAYS, PLAZAS OR COURTYARDS	16'
FAÇADE LIGHTS	Below the eave or cornice line, provided the light is directed downward
OTHER SITE LIGHTING	12'

(b) Shielding. All exterior lighting shall be shielded as specified in the following table:

TABLE 305-11: REQUIRED SHIELDING			
WATTAGE OR MOUNTING HEIGHT	SHIELD TYPE		
	FULL CUTOFF ^a	CUTOFF ^b	SEMI-CUTOFF ^c
ALL LIGHTS MOUNTED ABOVE 25'; OR ALL LIGHTS ABOVE 450 WATTS	required	prohibited	prohibited
ALL LIGHTS BETWEEN 100 WATTS AND 450 WATTS LUMENS	permitted	required	prohibited
ALL LIGHTS BETWEEN 55 WATTS AND 99 WATTS; OR ANY LIGHT MOUNTED BETWEEN 12' AND 25'	permitted	permitted	required
ALL LIGHTS MOUNTED BELOW 12' AND LESS THAN 55 WATTS	No shielding is required; all shielding types permitted.		

(i) Full cutoff fixtures emit 0% of its light above 90 degrees and 10% above 80% from horizontal.

(ii) Cutoff fixtures emit no more than 2.5% of its light above 90 degrees and 10% of its light above 80% from horizontal.

(iii) Semi-cutoff fixtures emit no more than 5% of its light above 90% and 20% of its light above 80 degrees.

(c) General Standards. In addition to the Mounting Height and Shielding standards, exterior site lighting shall meet the following general standards:

(i) All lighting shall be designed and located to not provide direct light or glare onto any adjacent property.

(ii) All lighting shall be reduced to levels necessary only for security purposes within 1 hour after closing of the business.

(iii) All facade lighting and or other externally illuminating lights shall use shielded, directional fixtures, designed and located to minimize uplighting and glare.
(Ord. No. 4233-11/2009 and 4304-9/2011)

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34-306. Outdoor commercial storage.

Properties located in any commercial or industrial zoning district shall not store any merchandise, product, equipment, commodity, and bulk material between the Public Street and more than 10 feet in front of the building. This shall not include automobiles for sale at an auto dealership, tractors or motorized implements for sale at a farm implement dealership, or seasonal merchandise. In addition, the outdoor storage of merchandise shall be screened from street view by vegetation or opaque fencing.

Seasonal merchandise is limited to holiday items (example: Christmas Trees), yard and garden items, fireworks stands, seasonal produce stands, and short term events vendors.
(Ord. No. 4233-11/2009)

34-307. Large scale housing or residential development.

The owner of any tract of land comprising an area of not less than five (5) acres in any district except District I-1 and I-2 may submit to the Planning Commission a plan for the use and development of all of the tract of land for residential purposes or for the repair and alteration of any existing housing development on an area comprising five (5) acres or more, and shall present specific evidence and facts showing whether or not the proposed plan meets with the following conditions:

- (1) That property adjacent to the area included in the plan will not be adversely affected.
- (2) That the plan is consistent with the intent and purposes of this Chapter to promote public health, safety, and general welfare.
- (3) That the buildings shall be used only for single-family dwellings, two-family (2) dwellings or multiple dwellings and the usual accessory uses, such as garages, storage space, community or administrative activities.
- (4) That the average lot area contained in the site will not be less than two thousand (2,000) square feet per family.
- (5) That the buildings do not exceed two (2) stories in height. The plan need not provide for the customary street and lot layout, or the normal application of the yard and area requirements to individual building units. If the Planning Commission and the City Council approve the plans, after a public hearing thereon, building permits and certificates of occupancy may be issued even though the location of the buildings to be erected in the area, and the yards and open spaces contemplated by the plan do not conform in all respects to the district regulations of the district in which it is located.
(Code 1973, 40-13; Ord. No. 2255 and 4233-11/2009)

34-308. Parking and loading.

- (1) Design Objective. The Design Objective for the parking requirements is to:
 - (a) Emphasize the importance of site accessibility from a variety of modes of transportation wherever appropriate, including pedestrians, bicycles, automobiles, and any current or potential future transit service.
 - (b) Provide the optimal amount of vehicle parking for individual sites, recognizing that both too little parking and too much parking create negative impacts.
 - (c) Ensure the appropriate site location and design features that mitigate the impact of parking lots on other land uses and urban design goals for surrounding district;
 - (d) Create the least visible impact of parking on adjacent private and public property;
 - (e) Promote parking designs that minimize runoff and incorporate infiltration of stormwater into the ground; and
 - (f) Reduce the need to dedicate areas of individual, adjacent sites to underutilized or redundant vehicle parking.
- (2) Required Automobile Parking. The minimum requirements for off-street parking facilities in Table 308-1 are general and are intended to include all similar uses. Where the classification of use is not determinable from the table, the Director shall determine the appropriate classification. Additional standards for specific zoning districts or specific uses may apply in addition to this table. Each fractional space shall be rounded up to the next whole number. Sites which provide more than 1 of the uses listed in the table on a regular basis shall apportion their parking based on the use most frequently occurring on each portion of the site.

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TABLE 308-1: REQUIRED AUTOMOBILE PARKING	
Use	Parking Spaces
Assembly (auditorium, stadium, church, etc.)	1 space per each 3 seats (maximum capacity)
Hospitals, Nursing Homes, and Assisted Living	1 spaces per each 3 beds; and 1 space for each 2 employees
Lodging	1 space for each rental unit plus 1 space for each 2 employees at maximum employment on a single shift; plus 1 space for each company vehicle regularly parked on the premises. Accessory uses (dining, banquette) shall satisfy their parking requirement separately according to this table.
Industrial Generally	1 space for each two employees at maximum employment on a single shift; and 1 space for each company vehicle regularly parked on the premises
Residential: Detached, Semi-Attached, and Attached Dwellings	2 spaces per dwelling unit
Residential: all others	1.5 spaces per dwelling unit
Businesses - generally	< 60,000 square feet: 3.3 spaces per 1,000 square feet of total building area > 60,000 square feet: 3.3 spaces per 1,000 square feet of gross leasable area
Retail – Large product sales (automobiles, RVs, boats, farm implements, appliances, tree nurseries and garden centers, etc.)	1 space per 20,000 square feet
Restaurants	1 space for each 4 seats of seating capacity; and 1 space per each 2 employees at maximum employment on a single shift
Schools	<i>K through 9:</i> 1 space for each 15 students at maximum capacity <i>10 through 12:</i> 1 space for each 4 students at maximum capacity <i>College and technical schools:</i> 1 space for each 2 students at maximum capacity
Central Business District	No off-street parking requirements

(3) Bicycle Parking. The following bike parking spaces are required for all new uses or change of use associated with occupation permits at the rates provided. This table shall also be used as a guide in determining the sufficiency of bicycle parking when applying the bicycle parking credit in sub-section (5).

TABLE 308-2: BICYCLE PARKING	
Use	Parking Spaces
Primary or Secondary School	10% of the number of students at maximum capacity; and 3% of the number of employees
College or University Classrooms	3% of the number of students at maximum capacity; and 1% of the number of employees
Retail and Office	10% of the required automobile spaces
Sports and Recreation Center	5% of the number of automobile spaces
Movie Theater or Restaurant	5% of the number of automobile spaces
Industrial	2% of the number of automobile spaces

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Multi-dwelling Housing	1 space per 2 units
Public Transit Stations	Varies based on usage

(4) Shared Parking. In meeting the requirements of Table 308-1, adjacent land uses, lots, or sites may share parking under the following conditions and standards:

(a) All landowners participating in the shared parking shall execute the necessary cross-access easements to facilitate shared parking and record all documents for the easements with the County.

(b) A written agreement for the joint use of parking facilities shall be executed by the parties and approved by the City.

(c) All shared parking spaces shall be within a reasonable proximity of the main entrance of any building sharing the parking and provide direct pedestrian access to the entrance either by way of pedestrian alleys and passages, or by way of public sidewalks in the streetscape. In general, locations greater than 600' shall not qualify unless exceptional circumstances justify.

(d) Parking requirements shall be the cumulative requirements of the uses sharing the parking, except where different categories of uses (Retail or Service, Employment, Civic, or Residential) are participating in the sharing agreement and are likely to generate distinctly different times of peak parking demand. The following table is a base guide for shared parking. Each use should provide a percentage of parking required by these regulations according to Table Y Shared Parking. Whichever time period requires the highest total parking spaces among the various uses should be the amount of parking provided subject to the shared parking agreement. Alternative parking allocations may be approved by the City based on industry data or other sufficient evidence and analysis of peak parking demands for specific uses.

TABLE 308-3 SHARED PARKING					
Land Use	Percentage of Required Parking Spaces by Time Period				
	Weekday Day & Evening		Weekend Day & Evening		Nighttime
	6 AM TO 5 PM	5 PM TO 1 AM	6 AM TO 5 PM	5 PM TO 1 AM	1 AM TO 6 AM
<i>Employment</i>	100 %	10 %	5 %	5 %	5 %
<i>Retail or Service</i>	75 %	75 %	100 %	90 %	5 %
<i>Restaurant</i>	50 %	100 %	75 %	100 %	25 %
<i>Entertainment & Recreation</i>	30%	100 %	75 %	100 %	5 %
<i>Church</i>	5 %	25 %	100 %	50 %	5 %
<i>School</i>	100 %	10 %	10 %	10 %	5 %
<i>Residential</i>	25 %	90 %	50 %	90 %	100 %
<i>Lodging</i>	50 %	90 %	75 %	100 %	100 %

(5) Parking Credits. A credit may be given to the parking requirements in Table 308-1 under the following conditions. The credits may be cumulative.

(a) On-street Parking Credit. On-street parking within 300 feet of any lot line may be credited to the parking requirement at a rate of one parking credit for every two on-street parking spaces. On-street parking spaces within the distance parameters may be counted more than once by multiple users. On-street parking in front of any residentially zoned property shall not count towards non-residential uses.

(b) Bicycle Parking Credit. Bicycle parking facilities within 200 feet of the primary building entrance may be credited at a rate of one parking credit for every three bicycle parking spaces, up to a maximum of 15% percent of the required vehicle parking. The applicant shall provide sufficient justification that the site can be reasonably accessed by bicycles and that land uses on the site are common bicyclist destinations in order to receive the bicycle parking credit. The bicycle parking requirements in Table 308-2 shall be used to determine the sufficiency of bicycle parking in applying the credit.

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(c) Public Parking Credit. Public parking within 600 feet of any lot line may be credited at a rate of one parking credit for every three public parking spaces. Any space eligible towards the credit shall not be leased and must be generally available to the public. The City, or other public entity in charge of management of the public parking facilities reserves the right to restructure the eligibility for parking credits through a parking district management program, subject to approval of the City Council.

(6) Maximum Parking. No use shall provide more than 10% percent over the minimum required parking in Table 308-1 without exhausting all options for Parking Credits or Shared Parking, and shall only be permitted to exceed 10% of the minimum requirements by incorporating two or more of the following mitigating design features. No site shall be permitted to provide more than 25% of the required parking in Table 308-1 in any circumstance.

(a) The surface of lesser used or overflow parking areas shall be a porous surface, excluding gravel and rock, that allows all stormwater to be infiltrated below the surface, subject to the approval by the City Engineer. Any porous surface used shall demonstrate that it has at least the same or better performance standard as the required standard parking surface and does not present any maintenance issues;

(b) The site shall be required to provide additional area, equal to or greater than the area of parking in excess of the requirement in Table 308-1, as public or common open space. This additional open space shall be designed as pedestrian-accessible open space, and shall be in addition to any other required open space requirements for the site. Alternatively, the excess parking area may be designed as pedestrian accessible open space that has the capability of accommodating overflow parking at limited peak times, such as a plaza surface or stabilized green surface which can accommodate cars on limited occasions;

(c) Landscape material requirements for the site shall be increased by 15% percent above the minimum amount required in Section 34-305 and shall be allocated to provide enhanced buffering of all on-site parking ;or

(d) Internal landscape areas for the on-site parking shall be increased by and additional 5% percent above the minimum percentage required.

(7) Parking Design.

(a) Stall and Aisle Dimensions. Parking lot dimensions shall be according to the following Table 308-4:

TABLE 308-4: STALL AND AISLE DIMENSIONS					
SEE FIGURE 308-1	90 °	60 °	45 °	30 °	PARALL EL
A – STALL WIDTH	9'	8.5'	8.5'	8.5'	8'
B – CURB OR END WIDTH	9'	10'	12'	17'	25'
C – STALL DEPTH	20'	21.57'	20.15'	17.36'	25'
D – AISLE WIDTH, TWO-WAY	23'	22'	20'	20'	20'
D – AISLE WIDTH, ONE-WAY	16'	15'	12'	12'	12'
D – AISLE WIDTH, ONE-WAY SINGLE-LOADED	14'	12'	12'	12'	10'

* Dimensions may vary up to 5% of the dimension in the table to adapt for specific site conditions. For 90 ° stalls, up to two feet of the stall depth may include an overhang of landscaped, non-pedestrian areas.

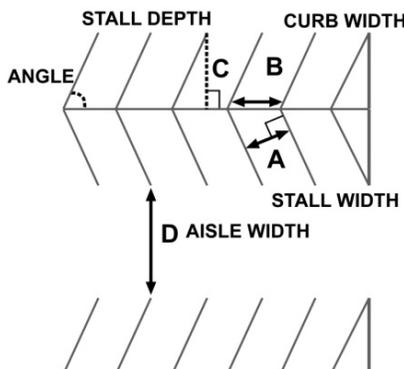


Figure 308-1 Parking Lot Dimensions. Dimensions A through D labeled on this figure this figure shall be within 5% of the dimensions given in Table 308-4.

(b) Accessible Parking Space Requirements. Parking facilities accessible for physically handicapped persons shall be provided according to the most recent standards of the Americans with Disabilities Act and associated guidelines, including quantity, size, location, and accessibility. Applicants must clearly demonstrate compliance

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with these standards or in the alternative, demonstrate why the standards are not applicable to their project or parcel. Accessible parking requirements shall meet the requirements of the International Building Code as adopted by the City Council.

(c) Landscape and Screening. All parking areas shall provided the following landscape in addition to any other landscape materials required for the site.

(i) All parking areas shall have the following landscape areas:

TABLE 308-5: PARKING LANDSCAPE AREAS			
	15 to 40 spaces	40 to 100 spaces	100 or More spaces
Perimeter Landscape Strip	6' wide	10' wide	12' wide
Internal Landscape Islands	N/A	5% of surface area	7.5% of surface area

(ii) All required landscape areas shall be planted according to the Landscape standards in 308-5.

(iii) Internal landscape islands shall be at least 100 square feet in total area and no less than 5 feet wide in any single dimension.

(iv) Landscape islands shall be dispersed through the parking area so that no expanse is greater than 150' without a landscape island or perimeter landscape strip.

(v) Parking areas permitted within 30' of any street frontage shall be screened by a 2.5' to 4' ornamental fence or low landscape hedge, or a combination of each. Parking areas required to be to the side any building may be screened with an ornamental wall, matching the materials and architectural features of the building, extending at the front building line.

(vi) Parking areas within 30' of any residential property shall be screened with landscape and screening meeting the standards of 308-5.

(8) Off-street loading requirements. No building or structure used for any commercial, business, industrial or institutional use shall be erected (nor shall any such existing building or structure be altered so as to increase its gross floor area by twenty-five (25) percent) without prior provision for off-street loading space in conformance with the following minimum requirements:

(a) Types of loading berths. Required off-street loading space shall be provided in berths which conform to the following minimum specifications:

(i) When buildings are constructed adjacent to an alley, the alley can be used for required loading berth area.

(ii) Type "A" berths shall be at least sixty (60) feet long by ten (10) feet wide by fourteen (14) feet (six) 6 inches high, inside dimensions.

(iii) Type "B" berths shall be at least thirty (30) feet long by ten (10) feet wide by fourteen (14) feet six (6) inches high, inside dimensions.

(iv) Type "C" berths shall be located in the rear of a lot and may utilize part of an adjacent alley. The building setback shall be a minimum of five (5) feet from the property line along the alley for the entire width of the lot.

(b) Number of loading spaces required. The following numbers and types of berths shall be provided for the specified uses, provided, however, that in any C- 2 district, one type "C" berth may be substituted for one type "B" berth. The uses specified below shall include all structures designed, intended or arranged for such use.

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Use	Aggregate Gross Floor Area (sq. ft.)	Berths	Required Type
Freight terminals, railroad yards, industrial plants, manufacturing or wholesale establishments, warehouses	12,000-36,000	1	A
	36,000-60,000	2	A
	60,000-100,000	3	A
	Each additional 50,000 or fraction thereof	1 additional	A
Auditoriums, motels, convention halls, sports arenas	25,000 – 150,000	1	B
	150,000 – 400,000	2	B
	Each additional 250,000 or fraction thereof	1 additional	B
Hospitals, sanitariums, nursing homes, convalescent homes and similar institutional uses	25,000 – 100,000	1	B
	Over 100,000	2	B
Department stores, retail establishments, restaurants, funeral homes, and commercial establishments	7,000 – 24,000	1	B
	24,000 – 50,000	2	B
	50,000 – 100,000	3	B
	Each additional 50,000 or fraction thereof	1 additional	B
Hotels or office buildings	25,000 – 40,000	1	B
	40,000 – 100,000	2	B
	Each additional 100,000 or fraction thereof	1 additional	B
Schools	Over 140,000	1	B

(c) Uses not specifically mentioned. In the case of a use not specifically mentioned, the requirements for off-street loading facilities shall be the same as the above mentioned use which, in the opinion of the Development Services Director, is most similar to the use not specifically mentioned.

(d) Concurrent different uses. When any proposed structure will be used concurrently for different purposes, final determination of loading requirements will be made by the Development Services Director, but in no event shall the loading requirements be less than the total requirements for each use based upon its aggregate gross floor area.

(e) Location of required loading facilities. The off-street loading facilities required for the uses mentioned in this Section 34-308 shall be in all cases on the same lot or parcel of land as the structure they are intended to serve. In no case shall the required off-street loading space be part of the area used to satisfy the off-street parking requirements.

(f) Manner of using loading areas. No space for loading or unloading of vehicles shall be so located that a vehicle using such loading space projects into any public street. Loading space shall be provided with access to an alley, or if no alley adjoins the lot, with access to a street. Any required front, side or rear yard may be used for loading unless otherwise prohibited by this Chapter. Design and location of entrances and exits for required off-street loading areas shall be subject to the approval of the City Engineer.

(g) Modification of requirements. The City Engineer may modify the off-street loading requirements as they apply to any individual case only for good cause shown and he shall set reasonable safeguards and conditions to ensure that any such modification conforms to the intent of this Section 34-308. Modification may be granted if it is demonstrated to the satisfaction of the City Engineer that loading operations of the use or structure in question will not interfere with pedestrian or vehicular traffic on a public street.

(h) Signs. The owners of the property shall provide, locate and maintain loading signs as specified by the City Engineer. Such signs shall not be counted against allowed advertising sign area.
(Ord. No. 3947-4/2004 and 4233-11/2009)

34-309. Signs; permits; general regulations.

Each sign or part of a sign erected within the zoning jurisdiction of the City of Hastings must comply with the provisions of this chapter, other relevant provisions of the City of Hastings' Municipal Code, and applicable building codes.

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(1) Nonconformance and amortization of non-conforming signs. Where a sign exists at the effective date of adoption or amendment of the ordinance codified in this title that could not be built under the terms of this title by reason of restrictions on area, use, height, setback, or other characteristics of the sign or its location on the lot, such sign may be continued so long as it remains otherwise lawful, subject to the following provisions:

(a) No such sign may be enlarged or altered in a way which increases its nonconformity; however, reasonable repairs and alterations may be permitted.

(b) Should such a sign be destroyed by any means to an extent of sixty (60) percent or more of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this title.

(2) Resolution of conflicting regulations. This chapter is not meant to repeal or interfere with enforcement of other sections of the City of Hastings' Municipal Code. In cases of conflicts between Code sections, State or Federal Regulations, the more restrictive regulations shall apply.

(3) Vision-clearance area. Except in the C-2 District, no structure shall be built to a height of more than two (2) feet above the established curb grade on the part of the lot within a vision clearance zone. The vision clearance zone shall be as defined in Hastings City Code Section 34-305(4) (d). No landscaping shall be planted in such area which will materially obstruct the view of drivers approaching the street intersection.

(4) Maintenance. All signs shall be maintained in a good state of repair, including, but not limited to, the structural components, the lighting, if any, the portion attaching the sign to the ground or structure, and the surface features.

(5) General regulations: Other design elements.

(a) Illumination. Lighting, when installed, must be positioned in such a manner that light is not directed onto an adjoining property or onto a public street or highway, and in accordance with the Lighting provisions of Section 34-305(5).

(b) Marquees and marquee signs. Signs placed on, attached to, or constructed on a marquee are subject to the maximum projection and clearance regulations of projecting signs.

(c) Permanent banners.

(i) A banner sign projecting from a building may not exceed the wall height of the building.

(ii) Maximum projection for any banner is five (5) feet from the building with a minimum clearance of ten (10) feet.

(iii) Flag signs and banner signs count against the sign area permitted a premise.

(d) Clocks. For the purposes of this chapter, clocks, thermometers, time and temperature only displays, and religious symbols are not considered signs.

(6) General permit procedures.

(a) Applicability.

(i) A sign permit, approved by the Building Official, shall be required before the erection, construction, alteration, placing, or locating of all signs conforming with this title.

(ii) Except as otherwise provided in this Chapter, it shall be unlawful for any person to erect any sign in the city or its two-mile extraterritorial jurisdiction without first obtaining a sign permit for each sign. The regulations set forth in this section shall not be construed to require any permit for a change of copy on any sign, repair or repainting, cleaning and other normal maintenance or repair of a sign or sign structure for which a permit has previously been issued, so long as the sign or sign structure is not modified in any way.

(b) Plans submittal. A copy of plans and specifications shall be submitted to the Building Official for each sign regulated by this title. Such plans shall show sufficient details about size of the sign, location and materials to be used and such other data as may be required for the Building Official to determine compliance with this title. When requested by the Building Official, the applicant shall furnish a certification of the structural integrity of the sign and its installation by a registered professional engineer with specialization in structures. An application for an illuminated sign shall disclose the luminous intensity of the sign for both day and night illumination.

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(c) Appeals. Any person or persons aggrieved by the decision of the Building Official to approve or disapprove a sign permit, as provided by this title, may appeal such decision to the Board of Adjustment as provided by Section 34-701 et seq.

(d) Application Fees. Each application for a sign permit shall be accompanied by any applicable fees, which shall be established by the City Council.

(7) Method of measurement for regulators.

(a) Maximum Permitted Sign Area. Maximum permitted sign area for a premise is set forth as a numerical limit or as a function of the frontage of the premises on a street or private way. For properties with frontage on more than one (1) public street or private street (excluding alleys), the total frontage shall be calculated as the longest frontage plus one-half the length of all additional frontages. A premise with a lawful billboard shall not include the area of the billboard in the maximum sign area for the premise.

(b) Sign area.

(i) Sign area includes the entire area within the perimeter enclosing the extreme limits of the sign, excluding any structure essential for support or service of the sign, or architectural elements of the building.

(ii) The area of double-faced signs is calculated on the largest face only.

(iii) The sign area for ground signs, monument signs, and architectural sign bands is calculated as the area enclosing the extreme limits of the copy only.

(iv) In the case of individual letters mounted to a wall, the area of the extreme limits of the copy is considered to be the sign area.

(c) Height. The height of a sign is measured from the average grade level below the sign to the topmost point of the sign or sign structure.

(d) Setback. The setback of a sign is measured from the property line to the line projected to the ground plane of the nearest portion of the sign.

34-309.01. Prohibited signs.

The following signs are prohibited in all zoning districts:

(1) Signs or sign structures which resemble, imitate, simulate, or conflict with traffic control signs or devices included in the Manual of Uniform Traffic Control Devices, which otherwise mislead or confuse persons traveling on public streets, which create a traffic hazard, or which violate any of the provisions of Section 60-6,127 or Section 60-6,128 of the *Nebraska Rules of the Road* or any other applicable State statutes.

(2) Signs which create a safety hazard by obstructing the clear view of pedestrians or vehicles, or which obscure official signs or signals.

(3) Off-premise Signs on Public Property. Off-premise signs located on public property which is being used for public purposes shall be prohibited. This restriction also applies to hand-held signs carried by persons and persons dressed in costumes or as character actors for the purposes of advertising a service or product.

(4) Flashing Signs. No flashing, blinking, or rotating lights shall be permitted for either permanent or temporary signs. Illumination levels controlling brightness and minimum required hold time for electronic information signs shall comply with Section 309 (4) of this Chapter.

(5) Moving Signs. No sign shall be permitted, any part of which moves by motorized or similar mechanical means.

(6) Painted Wall Signs. Off-premise signs painted on building walls unless specifically approved as an element of a Historic Neighborhood Conservation District plan.

(7) All roof signs.

34-309.02. Exempt signs.

The following signs are permitted in any zoning district and are exempt from other provisions of this chapter:

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(1) Real Estate Signs. Signs advertising the sale, rental, or lease of the premises or part of the premises on which the signs are displayed. One (1) non-illuminated sign, not to exceed six (6) square feet in residential districts and thirty-two (32) square feet in commercial or industrial districts, shall be permitted on each premises in residential districts. Such signs shall not extend higher than three (3) feet above grade level or closer than ten (10) feet from any property line unless located on the wall of a building. Such signs shall be removed within seven (7) days after the disposition of the premises.

(2) Construction Signs. Signs identifying the architect, engineer, contractor or other individuals involved in the construction of a building and such signs announcing the character of the building enterprise or the purpose for which the building is intended but not including product advertising. One (1) non-illuminated sign not to exceed fifty (50) square feet shall be permitted per street frontage. Such sign shall not extend higher than ten (10) feet above grade level and meet the front yard requirement for a principal structure unless located on the wall of a building on the premises or on a protective barricade surrounding the construction. Such signs shall be removed within one (1) week following completion of construction.

(3) Political Signs. A sign that announces candidates seeking public political office or pertinent political issues. Political signs are not permanent both in terms of duration of display and in the manner of construction, which allows easy removal of the sign. Political signs are subject to the following regulations:

(a) Neither the width nor the height of the sign may exceed three (3) feet.

(b) Signs shall be placed not less than six (6) feet from the back of the curb, or edge 3. Of the pavement if no curbs exist.

(c) Signs must be placed at least fifty (50) feet from a corner.

(d) Permission must be obtained from the property owner abutting the City right-of-way prior to installing any sign.

(e) Signs shall not be installed more than three (3) weeks in advance of any primary, 7. Regular, or special election and shall be removed the day after election day.

(f) The provisions of this section shall apply only to right-of-way owned by the City and shall not apply to City-owned parking lots or other City-owned real estate.

(g) Political signs placed on City-owned right-of-way that do not conform to the foregoing terms and conditions shall be removed by the Hastings Police Department.

(4) Street Banners. Signs advertising a public event and meeting the following criteria:

(a) Street banners shall be permitted for public events which are solely for the benefit of a non-profit organization and shall only be located on commercially zoned property, OR on industrially zoned property, OR on property owned or controlled by a public entity.

(b) Street banners shall not exceed 3 feet in height and shall not exceed 20 feet in length.

(c) Street banners not attached to a building shall have an overall height less than 4 feet.

(d) Street banners shall not be placed in the public right-of-way.

(e) Street banners shall not be placed in a vision sight triangle as set forth in Hastings City Code 34-305(4)(d); and shall not interfere with traffic at driveways.

(f) Street banners shall not be attached to fences, light poles or utility poles.

(g) Street banners shall not be placed more than 2 weeks prior the event which they advertise.

(h) Only one street banner is permitted per premise, and not more than four street banners may be installed for any one public event.

(5) Seasonal Decorations. Signs pertaining to recognized national holidays and national observances.

(6) Public Signs. Signs of a noncommercial nature and in the public interest, erected by or upon the order of a public officer in the performance of his public duty, such as safety signs, danger signs, trespassing signs, traffic signs, memorial plaques, signs of historical interest and other similar signs, including signs designating hospitals, libraries, schools and other institutions or places of public interest or concern.

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(7) Integral Signs. Signs for churches or temples, or names of buildings, dates of erection, monumental citations, commemorative tablets and other similar signs when carved into stone, concrete or other building material or made of bronze, aluminum, or other permanent type of construction and made an integral part of the structure to which they are attached.

(8) Window Signs. Such signs which are displayed inside of a window or within a building provided, however, that neon window signs shall be permitted only in those districts where neon signs are permitted. Window signs shall not be installed in any window above the first story.

(9) Works of graphic art painted or applied to building walls which contain no advertising or business identification messages.

(10) Residential signs under four (4) square feet in size.

(11) Neighborhood or subdivision identification signs under fifty (50) square feet.

(12) Signs, which are not visible from a public right-of-way, private way, or court or from a property other than that on which the sign is installed.

(13) Directional signs provided that such signs:

(a) Do not exceed six (6) square feet in maximum area or three (3) feet in maximum height.

(b) Are limited to one (1) sign at each driveway or access point with a public street; and one (1) sign at any critical decision point internal to the project.

(14) Hand-Held Signs. Hand-held signs carried by persons and persons dressed in costumes or as character actors for the purposes of advertising a service or product, provided that such advertisement is limited to the lot or lots where the service or product is offered.

34-309.03. Temporary commercial signs.

(1) Detached temporary commercial signs.

(a) No permit or fee is required.

(b) Size. Except for posters, the maximum size of detached temporary signs or portable signs shall be fifty (50) square feet in area. Posters shall not exceed four (4) square feet in area and three (3) feet in height. Posters shall be limited to one per each fifty (50) linear feet of lot frontage.

(c) Location Requirements for Detached Temporary Commercial Signs.

(i) Detached Temporary Commercial Signs are prohibited in any public right-of-way or property, including streets, sidewalks, parks, and public facilities, except that in the C-2 district, self-supporting easel style or A-frame style signs may be placed on the sidewalk, provided a minimum 5' wide sidewalk area is maintained free and unobstructed for pedestrian use. Such temporary signs shall not be permanently attached to the sidewalk and shall be removed when the business is not open for business. Such signs may only be placed immediately in front of the business they advertise.

(ii) Detached Temporary Commercial Signs shall not be located within the Vision Clearance Triangle defined by Section 34-305(4) (d).

(iii) Detached Temporary Commercial Signs shall not interfere with any public right-of-way, driveway or access way, or any means of access or egress to any building.

(iv) Pennants, ribbons, inflatable balloons, streamers, flags, spinners, and other similar moving devices, intended to attract attention, shall be limited to one such device for each 50 linear feet of street frontage. In all cases, such displays shall not be attached to any temporary or permanent pole or structure on the public right-of-way, nor shall any such sign display encroach upon the public right-of way or neighboring property, including air space.

(d) Roadside readerboards shall require a \$25.00 permit and be limited to placement and display for a maximum of two (2) thirty day periods annually and be maintained in a structurally sound condition. Roadside readerboards shall be limited to one roadside readerboard for each 100 feet of street frontage.

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(2) Attached temporary commercial signs.

(a) No permit or permit fee is required.

(b) Duration of Sign Display. An Attached Temporary Commercial Sign shall have no time limit for the duration of display of any sign that meets the following criteria:

(i) The total amount of attached temporary commercial signage permitted on any premise shall be limited to a total of two (2) Attached Temporary Commercial Signs that do not exceed sixty-four (64) square feet in area on any street façade (including any building facades adjacent to public streets. Alleys are not streets.)

(ii) Attached Temporary Commercial Signs shall not be attached to any sign pole or light pole on public or private property; or public utility poles, trees, or wooden or metal fence posts on either public or private property.

(iii) Any Attached Temporary Commercial Sign shall be attached only to vertical facades of the primary building and shall not be attached to roofs, roof extensions, cornices, overhangs, or other building extensions.

(3) Condition of temporary signs.

(a) All temporary signs shall be maintained in sound condition. Any sign that exhibits deterioration of structure or materials may be removed subject to the provisions of this section.

(b) The Director of Development Services and his/her authorized officers shall order the removal of any sign not in compliance with any provisions of this section. If the owner of the premise on which such sign is located, or the owner of the sign if unlawfully located on public property, fails to remove such sign, the Director of Development Services and his/her authorized officers shall be authorized to remove the sign. Any costs of removal of a sign on private property shall be assessed to the owner of the property. Any such removal shall also result in the immediate cancellation of any outstanding temporary sign permit.

(c) All temporary signs with time-specific content shall be removed within 48 hours of the end of the event which they advertise.

34-309.04. District requirements.

(1) Signs in Districts R-1, R-1A and R-1S shall be permitted as follows:

(a) Residential signs are limited to one per premise, not to exceed 4 sq ft. Residential signs shall not be illuminated, either directly or indirectly.

(b) Civic uses which are either permitted or conditional uses in these districts shall be limited to a total of two ground, pole or monument signs per frontage.

(c) Ground signs are permitted only for civic uses that are either permitted or conditional uses in these districts and are subject to the following:

(i) Ground signs shall not exceed 200 sq ft in area.

(ii) Ground signs shall not exceed 25 feet in height.

(iii) Ground signs shall be set back a minimum of 5 feet from the right-of-way, measured from the right-of-way line to the leading edge of the sign. Ground signs shall be set back a minimum of 3 feet from any other property lines.

(d) Pole signs are permitted only for civic uses that are either permitted or conditional uses in these districts and are subject to the following:

(i) Pole signs shall not exceed 200 sq ft in area.

(ii) Pole signs shall not exceed 25 feet in height.

(iii) Pole signs shall be set back a minimum of 5 feet from the right-of-way, measured from the right-of-way line to the leading edge of the sign. Pole signs shall be set back a minimum of 3 feet from any other property lines.

(e) Monument signs are permitted only for civic uses that are either permitted or conditional uses in these districts and are subject to the following:

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(i) Monument signs shall not exceed 200 sq ft in area.

(ii) Monument signs shall not exceed 10 feet in height.

(iii) Monument signs shall be set back a minimum of 5 feet from the right-of-way, measured from the right-of-way line to the leading edge of the sign. Monument signs shall be set back a minimum of 3 feet from any other property lines.

(f) Drive thru signs are prohibited in these districts.

(g) Permanent Banner signs are permitted only for civic uses that are either permitted or conditional uses in these districts. The area of any Permanent Banner sign shall count toward the wall sign limit below.

(h) Building Marker signs are permitted in these districts, provided they do not exceed 10 sq ft in area, limited to one per street frontage.

(i) Canopy and Awning signs are permitted only for civic uses that are either permitted or conditional uses in these districts. The area of any Canopy or Awning sign shall count toward the wall sign limit below.

(j) Marquee signs and Projecting signs are prohibited in these districts.

(k) Wall signs are permitted only for civic uses that are either permitted or conditional uses in these districts and are subject to the following:

(i) Wall signs shall be limited to the first floor of the building.

(ii) Wall signs shall be attached to the face of the building and shall not project more than 12 inches from the wall.

(iii) Wall signs shall not extend above the parapet or eave of the building.

(iv) Wall signs shall be of non-combustible materials, unless the building is constructed as a Type II-B building, as defined in the building code adopted by the City of Hastings, except that sign faces may be of combustible plastics.

(v) Wall signs are limited to 10% of the area of the building façade which faces a street. Building walls and façades that do not face a public street may have wall signs, but the area is limited to 10% of street-facing walls and façades.

(l) Flag signs are prohibited in these districts.

(m) Electronic information signs are permitted only for civic uses that are either permitted or conditional uses in these districts and are subject to the following:

(i) Electronic information signs are limited to one per premise.

(ii) Electronic information signs shall not exceed 200 sq ft in area.

(iii) Electronic information signs shall be classified as either a monument, ground or pole sign and constructed and located accordingly.

(iv) Electronic information signs shall not be programmed in a way that suggests or resembles a traffic control device.

(v) Electronic information signs shall be programmed in a way that no sign shall flash or blink and the image, message or lighting pattern shall hold for a minimum of four (4) seconds, however, full animation video is allowable provided such video does not flash or blink.

(vi) The surface/face illumination of any sign shall not exceed one thousand two hundred fifty (1,250) Nits after dusk or seven thousand five hundred (7,500) Nits during daylight hours. Such illuminated sign shall be equipped with a sensor and/or timer or other device to automatically adjust the day/night light intensity levels in accordance with the standard set herein.

(2) Signs in the Agriculture district shall be permitted as follows:

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- (a) Residential signs are limited to one per premise, not to exceed 4 sq ft. Residential signs shall not be illuminated, either directly or indirectly.
- (b) Civic uses which are either permitted or conditional uses in these districts shall be limited to a total of two ground, pole or monument signs per frontage.
- (c) Ground signs are permitted only for civic uses that are either permitted or conditional uses in these districts and are subject to the following:
- (i) Ground signs shall not exceed 200 sq ft in area.
 - (ii) Ground signs shall not exceed 25 feet in height.
 - (iii) Ground signs shall be set back a minimum of 5 feet from the right-of-way, measured from the right-of-way line to the leading edge of the sign. Ground signs shall be set back a minimum of 3 feet from any other property lines.
- (d) Pole signs are permitted only for civic uses that are either permitted or conditional uses in these districts and are subject to the following:
- (i) Pole signs shall not exceed 200 sq ft in area.
 - (ii) Pole signs shall not exceed 25 feet in height.
 - (iii) Pole signs shall be set back a minimum of 5 feet from the right-of-way, measured from the right-of-way line to the leading edge of the sign. Pole signs shall be set back a minimum of 3 feet from any other property lines.
- (e) Monument signs are permitted only for civic uses that are either permitted or conditional uses in these districts and are subject to the following:
- (i) Monument signs shall not exceed 200 sq ft in area.
 - (ii) Monument signs shall not exceed 10 feet in height.
 - (iii) Monument signs shall be set back a minimum of 5 feet from the right-of-way, measured from the right-of-way line to the leading edge of the sign. Monument signs shall be set back a minimum of 3 feet from any other property lines.
- (f) Drive thru signs are prohibited in these districts.
- (g) Permanent Banner signs are permitted only for civic uses that are either permitted or conditional uses in these districts. The area of any Permanent Banner sign shall count toward the wall sign limit below.
- (h) Building Marker signs are permitted in these districts, provided they do not exceed 10 sq ft in area, limited to one per street frontage.
- (i) Canopy and Awning signs are permitted only for civic uses that are either permitted or conditional uses in these districts. The area of any Canopy or Awning sign shall count toward the wall sign limit below.
- (j) Marquee signs and Projecting are signs prohibited in these districts.
- (k) Wall signs are permitted only for civic uses that are either permitted or conditional uses in these districts and are subject to the following:
- (i) Wall signs shall be limited to the first floor of the building.
 - (ii) Wall signs shall be attached to the face of the building and shall not project more than 12 inches from the wall.
 - (iii) Wall signs shall not extend above the parapet or eave of the building.
 - (iv) Wall signs shall be of non-combustible materials, unless the building is constructed as a Type II-B building, as defined in the building code adopted by the City of Hastings, except that sign faces may be of combustible plastics.

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(v) Wall signs are limited to 10% of the area of the building façade which faces a street. Building walls and façades that do not face a public street may have wall signs, but the area is limited to 10% of street-facing walls and façades.

(l) Flag signs are prohibited in these districts.

(m) Electronic information signs are permitted only for civic uses that are either permitted or conditional uses in these districts and are subject to the following:

(i) Electronic information signs are limited to one per premise.

(ii) Electronic information signs shall not exceed 200 sq ft in area.

(iii) Electronic information signs shall be classified as either a monument, ground or pole sign and constructed and located accordingly.

(iv) Electronic information signs shall not be programmed in a way that suggests or resembles a traffic control device.

(v) Electronic information signs shall be programmed in a way that no sign shall flash or blink and the image, message or lighting pattern shall hold for a minimum of four (4) seconds, however, full animation video is allowable provided such video does not flash or blink.

(vi) The surface/face illumination of any sign shall not exceed one thousand two hundred fifty (1,250) Nits after dusk or seven thousand five hundred (7,500) Nits during daylight hours. Such illuminated sign shall be equipped with a sensor and/or timer or other device to automatically adjust the day/night light intensity levels in accordance with the standard set herein.

(n) Two non-illuminated ground, pole or monument signs are permitted for any permitted use in this district, with each sign limited to 50 sq ft in area. Maximum height for shall be 25 feet.

(3) Signs in the Districts R-2, R-3 and R-4 shall be permitted as follows:

(a) Residential signs are limited to one per premise, not to exceed 4 sq ft. Residential signs shall not be illuminated, either directly or indirectly.

(b) Civic uses which are either permitted or conditional uses in these districts shall be limited to a total of two ground, pole or monument signs per frontage.

(c) Ground signs are permitted only for civic uses that are either permitted or conditional uses in these districts and are subject to the following:

(i) Ground signs shall not exceed 200 sq ft in area.

(ii) Ground signs shall not exceed 25 feet in height.

(iii) Ground signs shall be set back a minimum of 5 feet from the right-of-way, measured from the right-of-way line to the leading edge of the sign. Ground signs shall be set back a minimum of 3 feet from any other property lines.

(d) Pole signs are permitted only for civic uses that are either permitted or conditional uses in these districts and are subject to the following:

(i) Pole signs shall not exceed 200 sq ft in area.

(ii) Pole signs shall not exceed 25 feet in height.

(iii) Pole signs shall be set back a minimum of 5 feet from the right-of-way, measured from the right-of-way line to the leading edge of the sign. Pole signs shall be set back a minimum of 3 feet from any other property lines.

(e) Monument signs are permitted only for civic uses that are either permitted or conditional uses in these districts and are subject to the following:

(i) Monument signs shall not exceed 200 sq ft in area.

(ii) Monument signs shall not exceed 10 feet in height.

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(iii) Monument signs shall be set back a minimum of 5 feet from the right-of-way, measured from the right-of-way line to the leading edge of the sign. Monument signs shall be set back a minimum of 3 feet from any other property lines.

(f) Drive thru signs are prohibited in these districts.

(g) Permanent Banner signs are permitted only for civic uses that are either permitted or conditional uses in these districts. The area of any Permanent Banner sign shall count toward the wall sign limit below.

(h) Building Marker signs are permitted in these districts, provided they do not exceed 10 sq ft in area, limited to one per street frontage.

(i) Canopy and Awning signs are permitted only for civic uses that are either permitted or conditional uses in these districts. The area of any Canopy or Awning sign shall count toward the wall sign limit below.

(j) Marquee signs and Projecting signs prohibited in these districts.

(k) Wall signs are permitted only for civic uses that are either permitted or conditional uses in these districts and are subject to the following:

(i) Wall signs shall be limited to the first floor of the building.

(ii) Wall signs shall be attached to the face of the building and shall not project more than 12 inches from the wall.

(iii) Wall signs shall not extend above the parapet or eave of the building.

(iv) Wall signs shall be of non-combustible materials, unless the building is constructed as a Type II-B building, as defined in the building code adopted by the City of Hastings, except that sign faces may be of combustible plastics.

(v) Wall signs are limited to 10% of the area of the building façade which faces a street. Building walls and façades that do not face a public street may have wall signs, but the area is limited to 10% of street-facing walls and façades.

(l) Flag signs are prohibited in these districts.

(m) Electronic information signs are permitted only for civic uses that are either permitted or conditional uses in these districts and are subject to the following:

(i) Electronic information signs are limited to one per premise.

(ii) Electronic information signs shall not exceed 200 sq ft in area.

(iii) Electronic information signs shall be classified as either a monument, ground or pole sign and constructed and located accordingly.

(iv) Electronic information signs shall not be programmed in a way that suggests or resembles a traffic control device.

(v) Electronic information signs shall be programmed in a way that no sign shall flash or blink and the image, message or lighting pattern shall hold for a minimum of four (4) seconds, however, full animation video is allowable provided such video does not flash or blink.

(vi) The surface/face illumination of any sign shall not exceed one thousand two hundred fifty (1,250) Nits after dusk or seven thousand five hundred (7,500) Nits during daylight hours. Such illuminated sign shall be equipped with a sensor and/or timer or other device to automatically adjust the day/night light intensity levels in accordance with the standard set herein.

(n) Multi-family dwellings are permitted one detached sign per premise, up to 30 sq ft in area. Such signs may be indirectly illuminated. Such signs shall be set back 5 feet from the front property line and 3 feet from any other property line. Additionally, each major building entrance is permitted one wall sign up to 4 sq ft in area.

(4) CMP:

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(a) For projects with an overall site area in excess of six (6) acres, or zoned CMP, an applicant may submit a Sign Master Plan, detailing the size, location, and design of all signs on the site. The Sign Master Plan may adjust the strict application of these standards, but must clarify the exact nature of the adjustments. Such a Sign Master Plan shall be approved by the City Council after review and recommendation by the Planning Commission. This review follows the same process as review of a PD District or as part of a rezone to the CMP District.

(b) Signs in the Campus Institutional Districts shall be as permitted for the C-O, Commercial Office District, or according to an approved sign program as set out in the specific Master Development Plan or Sign Master Plan for the development under consideration.

(5) Signs in the C-O, Commercial Office District, shall be permitted as follows:

(a) Residential uses are permitted one residential sign per premise, not to exceed 4 sq. ft. Residential signs shall not be illuminated, either directly or indirectly.

(b) Civic uses which are either permitted or conditional uses in these districts shall be limited to a total of two ground or monument signs per frontage.

(c) Other permitted uses are limited to one ground or monument sign per street frontage.

(d) Ground signs are permitted in this district, subject to the following:

(i) Ground signs shall not exceed 200 sq ft in area.

(ii) Ground signs shall not exceed 25 feet in height.

(iii) Ground signs shall be set back a minimum of 5 feet from the right-of-way, measured from the right-of-way line to the leading edge of the sign. Ground signs shall be set back a minimum of 3 feet from any other property lines.

(e) Pole signs are prohibited in this district.

(f) Monument signs are permitted in this district, subject to the following:

(i) Monument signs shall not exceed 200 sq ft in area.

(ii) Monument signs shall not exceed 10 feet in height.

(iii) Monument signs shall be set back a minimum of 5 feet from the right-of-way, measured from the right-of-way line to the leading edge of the sign. Monument signs shall be set back a minimum of 3 feet from any other property lines.

(g) Drive thru signs are prohibited in these districts.

(h) Permanent Banner signs are permitted only for civic uses that are either permitted or conditional uses in these districts. The area of any Permanent Banner sign shall count toward the wall sign limit below.

(i) Building Marker signs are permitted in these districts, provided they do not exceed 10 sq ft in area, limited to one per street frontage.

(j) Canopy and Awning signs are permitted only for civic uses that are either permitted or conditional uses in these districts. The area of any Canopy or Awning sign shall count toward the wall sign limit below.

(k) Marquee signs and Projecting signs are prohibited in these districts.

(l) Wall signs are permitted, subject to the following:

(i) Wall signs shall be limited to the first floor of the building.

(ii) Wall signs shall be attached to the face of the building and shall not project more than 12 inches from the wall.

(iii) Wall signs shall not extend above the parapet or eave of the building.

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(iv) Wall signs shall be of non-combustible materials, unless the building is constructed as a Type II-B building, as defined in the building code adopted by the City of Hastings, except that sign faces may be of combustible plastics.

(v) Wall signs are limited to 50 sq ft each, and are limited to one per street-facing wall.

(m) Flag signs are prohibited in these districts.

(n) Electronic information signs are permitted only for civic uses that are either permitted or conditional uses in these districts and are subject to the following:

(i) Electronic information signs are limited to one per premise.

(ii) Electronic information signs shall not exceed 200 sq ft in area.

(iii) Electronic information signs shall be classified as either a monument, ground or pole sign and constructed and located accordingly.

(iv) Electronic information signs shall not be programmed in a way that suggests or resembles a traffic control device.

(v) Electronic information signs shall be programmed in a way that no sign shall flash or blink and the image, message or lighting pattern shall hold for a minimum of four (4) seconds, however, full animation video is allowable provided such video does not flash or blink.

(vi) The surface/face illumination of any sign shall not exceed one thousand two hundred fifty (1,250) Nits after dusk or seven thousand five hundred (7,500) Nits during daylight hours. Such illuminated sign shall be equipped with a sensor and/or timer or other device to automatically adjust the day/night light intensity levels in accordance with the standard set herein.

(o) Multi-family dwellings are permitted one detached sign per premise, up to 30 sq ft in area. Such signs may be indirectly illuminated. Such signs shall be set back 5 feet from the front property line and 3 feet from any other property line. Additionally, each major building entrance is permitted one wall sign up to 4 sq ft in area.

(6) Signs in the C-1, Commercial Local Business District, shall be permitted as follows:

(a) Residential uses are permitted one residential sign per premise, not to exceed 4 sq ft. Residential signs shall not be illuminated, either directly or indirectly.

(b) Civic uses which are either permitted or conditional uses in these districts shall be limited to a total of two ground, pole or monument signs per frontage.

(c) Other permitted uses are limited to one ground, pole or monument sign per street frontage.

(d) Ground signs are permitted in this district, subject to the following:

(i) Ground signs shall not exceed 200 sq ft in area.

(ii) Ground signs shall not exceed 25 feet in height.

(iii) Ground signs shall be set back a minimum of 5 feet from the right-of-way, measured from the right-of-way line to the leading edge of the sign. Ground signs shall be set back a minimum of 3 feet from any other property lines.

(e) Pole signs are permitted in this district, subject to the following:

(i) Pole signs shall not exceed 200 sq ft in area.

(ii) Pole signs shall not exceed 25 feet in height.

(iii) Pole signs shall be set back a minimum of 5 feet from the right-of-way, measured from the right-of-way line to the leading edge of the sign. Pole signs shall be set back a minimum of 3 feet from any other property lines.

(f) Monument signs are permitted in this district, subject to the following:

(i) Monument signs shall not exceed 200 sq ft in area.

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(ii) Monument signs shall not exceed 10 feet in height.

(iii) Monument signs shall be set back a minimum of 5 feet from the right-of-way, measured from the right-of-way line to the leading edge of the sign. Monument signs shall be set back a minimum of 3 feet from any other property lines.

(g) Drive thru signs are prohibited in these districts.

(h) Permanent Banner signs are permitted in this district. The area of any Permanent Banner sign shall count toward the wall sign limit below.

(i) Building Marker signs are permitted in this district, provided they do not exceed 10 sq ft in area, limited to one per street frontage.

(j) Canopy and Awning signs are permitted in this district. The area of any Canopy or Awning sign shall count toward the wall sign limit below.

(k) Marquee signs and Projecting signs are prohibited in these districts.

(l) Wall signs are permitted, subject to the following:

(i) Wall signs shall be limited to the first floor of the building.

(ii) Wall signs shall be attached to the face of the building and shall not project more than 12 inches from the wall.

(iii) Wall signs shall not extend above the parapet or eave of the building.

(iv) Wall signs shall be of non-combustible materials, unless the building is constructed as a Type II-B building, as defined in the building code adopted by the City of Hastings, except that sign faces may be of combustible plastics.

(v) Wall signs are limited to 60 sq ft each, and are limited to one per street-facing wall.

(m) Flag signs are prohibited in these districts.

(n) Electronic information signs are permitted only for civic uses that are either permitted or conditional uses in these districts and are subject to the following:

(i) Electronic information signs are limited to one per premise.

(ii) Electronic information signs shall not exceed 200 sq ft in area.

(iii) Electronic information signs shall be classified as either a monument, ground or pole sign and constructed and located accordingly.

(iv) Electronic information signs shall not be programmed in a way that suggests or resembles a traffic control device.

(v) Electronic information signs shall be programmed in a way that no sign shall flash or blink and the image, message or lighting pattern shall hold for a minimum of four (4) seconds, however, full animation video is allowable provided such video does not flash or blink.

(vi) The surface/face illumination of any sign shall not exceed one thousand two hundred fifty (1,250) Nits after dusk or seven thousand five hundred (7,500) Nits during daylight hours. Such illuminated sign shall be equipped with a sensor and/or timer or other device to automatically adjust the day/night light intensity levels in accordance with the standard set herein.

(o) Multi-family dwellings are permitted one detached sign per premise, up to 30 sq ft in area. Such signs may be indirectly illuminated. Such signs shall be set back 5 feet from the front property line and 3 feet from any other property line. Additionally, each major building entrance is permitted one wall sign up to 4 sq ft in area.

(7) Signs in the C-2, Central Business District, shall be permitted as follows:

(a) Ground signs are permitted, subject to the following:

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- (i) Ground signs shall not exceed 300 sq ft in area.
 - (ii) Ground signs shall not exceed 25 feet in height.
 - (iii) Ground signs shall be set back a minimum of 5 feet from the right-of-way, measured from the right-of-way line to the leading edge of the sign. Ground signs shall be set back a minimum of 3 feet from any other property lines.
- (b) Pole signs are permitted, subject to the following:
- (i) Pole signs shall not exceed 300 sq ft in area.
 - (ii) Pole signs shall not exceed 35 feet in height.
 - (iii) Pole signs shall be set back a minimum of 5 feet from the right-of-way, measured from the right-of-way line to the leading edge of the sign. Pole signs shall be set back a minimum of 3 feet from any other property lines.
- (c) Monument signs are permitted, subject to the following:
- (i) Monument signs shall not exceed 300 sq ft in area.
 - (ii) Monument signs shall not exceed 10 feet in height.
 - (iii) Monument signs shall be set back a minimum of 5 feet from the right-of-way, measured from the right-of-way line to the leading edge of the sign. Monument signs shall be set back a minimum of 3 feet from any other property lines.
- (d) Drive thru signs are permitted, subject to the following:
- (i) Shall not exceed 12 feet in height.
 - (ii) Shall be limited to 100 sq ft each.
 - (iii) Shall be limited to 2 per drive-through lane.
- (e) Permanent Banner signs are permitted and shall count toward the wall area allowed below.
- (f) Building Marker signs are permitted in this district, provided they do not exceed 10 sq ft in area, limited to one per street frontage.
- (g) Canopy and Awning signs are permitted, subject to the following:
- (i) Shall provide a minimum clearance of 6 feet, 8 inches over any walking surface.
 - (ii) Shall count toward the wall sign area limit below, but such area shall only include the sign, graphic, lettering or advertising on the canopy or awning.
 - (iii) Canopies and awnings shall not extend above the eave or parapet of the building wall and shall not extend over any area utilized by motor vehicles.
 - (iv) Canopies and awnings extending more than 6 feet from a wall shall be designed by a licensed engineer or architect and shall have plans stamped by a licensed engineer or architect.
 - (v) Canopies and awnings shall not extend more than 9 feet from the building façade to which they are mounted.
- (h) The area of any Marquee or Projecting sign shall count toward the wall sign limit below. Marquee signs and Projecting signs permitted in this district, subject to the following:
- (i) Maximum projection shall be 3 feet over public sidewalks less than 12 feet in width.
 - (ii) Over public sidewalks 12 feet or more in width, the maximum projection may be within 5 feet of the vertical plane of the inside of the curb line.
 - (iii) A vertical clearance of 12 feet shall be provided over public sidewalks.

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(iv) A vertical clearance of 15 feet over parking lots.

(v) A vertical clearance of 18 feet over driveways.

(i) Wall signs are permitted, subject to the following:

(i) Wall signs shall be limited to the first floor of the building.

(ii) Wall signs shall be attached to the face of the building and shall not project more than 12 inches from the wall.

(iii) Wall signs shall not extend above the parapet or eave of the building.

(iv) Wall signs shall be of non-combustible materials, unless the building is constructed as a Type II-B building, as defined in the building code adopted by the City of Hastings, except that sign faces may be of combustible plastics.

(v) Wall signs are limited to 20% of the area of the building façade which faces a street. Building walls and façades that do not face a public street may have wall signs, but the area is limited to 20% of street-facing walls and façades.

(j) Flag signs are permitted. No more than two flag signs are allowed per premise. Flag signs are limited to 15 sq ft each.

(k) Electronic information signs are permitted, subject to the following:

(i) Electronic information signs are limited to one per premise.

(ii) Electronic information signs shall not exceed 300 sq ft in area.

(iii) Electronic information signs shall be classified as either a monument, ground or pole sign and constructed and located accordingly.

(iv) Electronic information signs shall not be programmed in a way that suggests or resembles a traffic control device.

(v) Electronic information signs shall be programmed in a way that no sign shall flash or blink and the image, message or lighting pattern shall hold for a minimum of four (4) seconds, however, full animation video is allowable provided such video does not flash or blink.

(vi) The surface/face illumination of any sign shall not exceed one thousand two hundred fifty (1,250) Nits after dusk or seven thousand five hundred (7,500) Nits during daylight hours. Such illuminated sign shall be equipped with a sensor and/or timer or other device to automatically adjust the day/night light intensity levels in accordance with the standard set herein.

(8) Signs in the C-3, Commercial Business District, I-1, Light Industrial District, and I-2 Heavy Industrial District, shall be permitted as follows:

(a) Ground signs are permitted, subject to the following:

(i) Ground signs shall not exceed 400 sq ft in area.

(ii) Ground signs shall not exceed 25 feet in height.

(iii) Ground signs shall be set back a minimum of 5 feet from the right-of-way, measured from the right-of-way line to the leading edge of the sign. Ground signs shall be set back a minimum of 3 feet from any other property lines.

(b) Pole signs are permitted, subject to the following:

(i) Pole signs shall not exceed 400 sq ft in area.

(ii) Pole signs shall not exceed 45 feet in height.

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(iii) Pole signs shall be set back a minimum of 5 feet from the right-of-way, measured from the right-of-way line to the leading edge of the sign. Pole signs shall be set back a minimum of 3 feet from any other property lines.

(c) Monument signs are permitted, subject to the following:

(i) Monument signs shall not exceed 400 sq ft in area.

(ii) Monument signs shall not exceed 10 feet in height.

(iii) Monument signs shall be set back a minimum of 5 feet from the right-of-way, measured from the right-of-way line to the leading edge of the sign. Monument signs shall be set back a minimum of 3 feet from any other property lines.

(d) Drive thru signs are permitted, subject to the following:

(i) Shall not exceed 12 feet in height.

(ii) Shall be limited to 100 sq ft each.

(iii) Shall be limited to 2 per drive-through lane.

(e) Permanent Banner signs are permitted and shall count toward the wall area allowed below.

(f) Building Marker signs are permitted in this district, provided they do not exceed 10 sq ft in area, limited to one per street frontage.

(g) Canopy and Awning signs are permitted, subject to the following:

(i) Shall provide a minimum clearance of 6 feet, 8 inches over any walking surface.

(ii) Shall count toward the wall sign area limit below, but such area shall only include the sign, graphic, lettering or advertising on the canopy or awning.

(iii) Canopies and awnings shall not extend above the eave or parapet of the building wall and shall not extend over any area utilized by motor vehicles.

(iv) Canopies and awnings extending more than 6 feet from a wall shall be designed by a licensed engineer or architect and shall have plans stamped by a licensed engineer or architect.

(v) Canopies and awnings shall not extend more than 9 feet from the building façade to which they are mounted.

(h) The area of any Marquee or Projecting sign shall count toward the wall sign limit below. Marquee signs and Projecting signs permitted in this district, subject to the following:

(i) Maximum projection shall be 3 feet over public sidewalks less than 12 feet in width.

(ii) Over public sidewalks 12 feet or more in width, the maximum projection may be within 5 feet of the vertical plane of the inside of the curb line.

(iii) A vertical clearance of 12 feet shall be provided over public sidewalks.

(iv) A vertical clearance of 15 feet over parking lots.

(v) A vertical clearance of 18 feet over driveways.

(i) Wall signs are permitted, subject to the following:

(i) Wall signs shall be limited to the first floor of the building.

(ii) Wall signs shall be attached to the face of the building and shall not project more than 12 inches from the wall.

(iii) Wall signs shall not extend above the parapet or eave of the building.

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(iv) Wall signs shall be of non-combustible materials, unless the building is constructed as a Type II-B building, as defined in the building code adopted by the City of Hastings, except that sign faces may be of combustible plastics.

(v) Wall signs are limited to 20% of the area of the building façade which faces a street. Building walls and façades that do not face a public street may have wall signs, but the area is limited to 20% of street-facing walls and façades.

(j) Flag signs are permitted. No more than two flag signs are allowed per premise. Flag signs are limited to 15 sq ft each.

(k) Electronic information signs are permitted, subject to the following:

(i) Electronic information signs are limited to one per premise.

(ii) Electronic information signs shall not exceed 300 sq ft in area.

(iii) Electronic information signs shall be classified as either a monument, ground or pole sign and constructed and located accordingly.

(iv) Electronic information signs shall not be programmed in a way that suggests or resembles a traffic control device.

(v) Electronic information signs shall be programmed in a way that no sign shall flash or blink and the image, message or lighting pattern shall hold for a minimum of four (4) seconds, however, full animation video is allowable provided such video does not flash or blink.

(vi) The surface/face illumination of any sign shall not exceed one thousand two hundred fifty (1,250) Nits after dusk or seven thousand five hundred (7,500) Nits during daylight hours. Such illuminated sign shall be equipped with a sensor and/or timer or other device to automatically adjust the day/night light intensity levels in accordance with the standard set herein.

34-309.05. Billboard signs.

Billboards shall be allowed in Districts C-3, I-1 and I-2 provided that no billboard will be allowed within 300' of any residential zoning district. Billboards in these districts shall be subject to the following provisions:

(1) A billboard shall be defined as any sign that directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

(2) Each billboard shall be setback at least 25' from the street right-of-way line. No part of the sign shall extend more than 5 feet into the setback from the public right-of-way line.

(3) No billboard in the City limits shall be located within 150' from the right-of-way line of any road intersection measured in any direction from the right-of-way line. No billboard in the City's extra-territorial jurisdiction shall be located within 250' from the right-of-way line of any road intersection measured in any direction from the right-of-way line provided this restriction shall not apply to the intersection of frontage roads with state highways.

(4) There shall be no more than two (2) billboards per mile, measured from section line to section line regardless of which side of the roadway the billboards are located.

(5) No billboard in the City limits shall be located within a 750' radius of another billboard. No billboard in the extra-territorial jurisdiction shall be located within a 1500' radius of another billboard.

(6) No billboard within the City limits shall be located within 500' of the property line of: a National Register historic site; school; church; hospital; care facility; cemetery; public building, park or playground.

(7) No billboard within the City's extra-territorial jurisdiction shall be located within 1000' of the property line of: a National Register historic site; school; church; hospital; care facility; cemetery; public building, park or playground.

(8) No billboard shall be allowed whenever property zoned A, Residential, C-O, C-1 or C-2 is located between the billboard and the roadway to which said billboard is oriented.

(9) No billboard shall be erected or maintained upon or immediately above the roof of any building.

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(10) Billboards may be single- or double-faced but no billboard shall have more than one face per side of the structure and the sign face shall not exceed 378 square feet. Double-stack billboards are prohibited.

(11) Billboards shall have either a monopole or pedestal support.

(12) No billboard shall exceed 35' in height measured from the average grade of the surrounding area to the highest point of the billboard.

(13) Lighting on any billboard shall be shielded to light the sign face only. Light trespass from the sign face is prohibited.

(14) Attention attracting devices are prohibited except for lighted message signs displaying time, date, temperature or weather or alert information. Lighted message sign displaying other information or advertising shall be prohibited.

(15) Any billboard structure existing as of the effective date of this ordinance may be restored at its current location provided that any restored billboard shall not exceed the size, height, and other limits of the existing structure. Any billboard existing as of the effective date of this ordinance may be replaced at the same location. Such replacement shall comply with the requirements of paragraphs (8) – (13).

(16) Any billboard that is allowed to deteriorate to the point of being a public nuisance or a threat to the public safety, health or welfare because it has become so damaged, decayed, dilapidated, structurally unsafe or of such unstable condition that partial or complete collapse is possible, shall be caused to be removed. The owner shall remove the billboard and structure within 30 days of receiving notice that the City has declared the billboard a public nuisance or dangerous structure. Failure to so remove shall result in a monetary fine of up to \$100.00 per day that the billboard and structure remain on-site. After 60 days from the notice mentioned in this section, the City may cause the demolition and removal of the billboard and structure. If the City causes the removal, it shall assess all costs of the removal and disposal to the owner of the property personally, and/or assess the costs against the real estate.

34-309.06. Definition of terms.

The following definitions shall be used for terms contained in this chapter that are not otherwise defined in the Hastings City Code which includes the Comprehensive Land Use Plan.

(1) *Abandoned Sign*: A sign, including sign face and supporting structure, which refers to a discontinued business, profession, commodity, service, or other activity or use formerly occupying the site; or which contains no sign copy on all sign faces for a continuous period of six (6) months.

(2) *Attached Sign*: A sign which is structurally connected to a building or depends upon that building for support.

(3) *Auxiliary Design Elements*: Terms which describe secondary characteristics of a sign, including its method of illumination and other features within the bounds of its basic shape.

(4) *Awning and Awning Sign*: A shelter supported entirely from the exterior wall of a building and composed a supporting framework covered with fabric, plastic or sheet metal. An awning sign is a message printed on such a shelter. For the purpose of this section, awning signs shall be treated as canopy signs.

(5) *Banner*: Material exceeding four (4) square feet in size with a printed message or graphic secured or mounted to the primary building.

(6) *Building Marker*: An historic or commemorative plaque, or a building name or cornerstone carved into a masonry surface.

(7) *Business Center Identification Sign*: A sign which identifies a building or group of commercial buildings in single ownership or control, sharing parking and access.

(8) *Canopy (or arcade) Sign*: A sign which is attached or made an integral part of a canopy.

(9) *City of Hastings Outdoor Advertising Sign Registry*: A list of all outdoor advertising signs shall be maintained by the Building Services Division, detailing location, ownership, and size of all billboard signs.

(10) *Clearance*: The distance from the bottom of a sign face elevated above grade and the grade below.

(11) *Detached Sign*: A sign which is self-supporting and structurally independent from any building.

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(12) *Directional Sign*: A sign which serves only to designate the location or direction of any area or place.

(13) *Double-Faced Sign*: A sign consisting of no more than two (2) parallel or near parallel faces supported by a single structure. The angle created by the two (2) faces of a double-faced sign shall not exceed fifteen (15) degrees.

(14) *Drive-through Service Sign*: A sign designed to give information that facilitates a business transaction at a drive-through service location.

(15) *Electronic Information Signs*: On-Premise signs which use an array of electrically illuminated lights, generally controlled by a computer or other electronic programming device, to display information or supporting graphics. Information may include news, events, or information about businesses or attractions.

(16) *Electronic Changeable Message Sign (ECMS)*: An outdoor advertising sign that changes the message, advertisement, or copy on the sign face by electronic or mechanical device or process, either automated or remote, regardless of the process used. Blinking, flashing, rotating, revolving, spinning, fluttering lighting or animation is not allowed. Transition between messages is permitted, but such transitions may only fade, scroll, travel or reveal.

(17) *Flag Sign*: Signs which are emblazoned on a flag and are intended to be displayed in a free-flowing manner. Flags of the United States, the State of Nebraska, local government, and any educational institution shall not be considered flag signs for the purpose of this Ordinance.

(18) *Flashing Sign*: A sign which has a lighting source or lighting element that periodically illuminates or is not maintained stationary or constant in intensity and/or color at all times when the sign is in use, usually in a manner as to draw the attention of the viewer.

(19) *Frontage*: The length of a property line of any one (1) premises abutting and parallel to a public street, private way, or court.

(20) *Ground Sign*: A detached on-premise sign built on a freestanding frame, mast, or pole(s) with a clearance no greater than three (3) feet.

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

(22) *Large Retail Establishment*: A business whose primary use is retail, automotive or similar sales and operates in a building with at least 30,000 sq ft of gross floor area.

(23) *Marquee*: A permanent roofed structure attached to and supported by a building and extending over public right-of-way.

(24) *Maximum Permitted Sign Area*: The maximum permitted combined area of all signs allowed on a specific property.

(25) *Monument Sign*: A detached on-premise freestanding sign with the appearance of a solid base.

(26) *Moving Sign*: A sign which conveys its message through rotating, changing, or animated elements.

(27) *Nit*: A unit of luminous intensity equal to one candela per square meter (1 cd/m²)

(28) *Nonconforming Sign*: A sign that was legally erected prior to the adoption of this chapter but which violates the regulations of this chapter.

(29) *Numeric Display Signs*: On premise signs which display numeric information only. Typical examples include time and temperature displays and fuel price displays. The numeric information may be changed electronically or manually.

(30) *Billboard*: A panel for the display of information relating to a business, product, event, or other subject of advertising or publicity. Billboard signs may advertise on-premise or off-premise businesses or products. Special regulations and permissions apply to Billboard signs within the City of Hastings and its jurisdiction.

(31) *Pole Sign*: An on-premise sign built on a freestanding frame, mast, or pole(s) with a clearance greater than three (3) feet.

(32) *Political Sign*: A sign that announces candidates seeking public political office or pertinent political issues. Political signs are not permanent both in terms of duration of display and in the manner of construction, which allows easy removal of the sign.

Zoning

(33) *Portable Sign*: Any sign supported by frames or posts rigidly attached to bases not permanently attached to the ground or a building and capable of being moved from place to place.

(34) *Poster*: A temporary sign, not exceeding four (4) square feet in area and three (3) feet in height, mounted on stakes or spikes intended to be stuck into the ground and used as a detached temporary sign.

(35) *Premises*: A tract of one (1) or more lots or sites which are contiguous and under common ownership or control.

(36) *Projecting Signs*: A sign other than a wall sign that is attached to and projects from a building face.

(37) *Residential Sign*: A small detached or attached sign located on a residential premise, conveying a message communicated by the owner of the property.

(38) *Roadside Readerboard*: Also known as Arrow Signs, Flashing or Flashing Arrow Signs, Custom head Portable Readerboards, Readerboards, Non Digital Changeable Copy Signs or any and all temporary signs not permanently affixed to the ground, with or without wheels, containing non digitally placed letters/numbers and changeable copy which can be changed on site.

(39) *Roof Sign*: Any sign or part of sign erected upon, against, or directly above a roof or on top of or above the parapet or cornice of a building.

(a) *Integral Roof Sign*: A roof sign positioned between an eave line and the peak or highest point on a roof, substantially parallel to the face of a building.

(b) *Above-peak Roof Sign*: A roof sign positioned above the peak of a roof or above a parapet or cornice.

(40) *Sign*: A symbolic, visual device fixed upon a building, vehicle, structure, or parcel of land which is intended to convey information about a product, business, activity, place, person, institution, candidate, or political idea.

(41) *Sign Type*: A functional description of the use of an individual sign. Includes owner identification, advertising, directional, electronic message, and temporary.

(42) *Street Facade*: Any separate external face of a building, including parapet walls and omitted wall lines, oriented to and facing a public street, a private street, or court (excluding alleys). Separate faces oriented in the same direction or within forty-five (45) degrees of one (1) another are considered part of the same street facade.

(43) *Temporary Signs*: Any sign designed or fabricated of materials that advertise or communicate messages that change frequently or that become outdated; are made of materials of relatively low durability; are intended to be removed or replaced within a period of six (6) months or less; or are portable. Temporary signs generally fall into two (2) categories: temporary civic signs and temporary commercial signs. Temporary Commercial Signs shall fall into two (2) categories: (a) attached temporary commercial sign, and (b) detached temporary commercial sign.

(44) *Wall Sign*: A sign attached to and parallel with the side of a building.

(45) *Window Sign*: A sign painted on or installed inside a window for the purpose of viewing from outside the premises.

(46) *Zone Lot*: A parcel of land in single ownership that is large enough to meet the minimum zoning requirements of its zoning district and can provide such yards and other open spaces that are required by the site development regulations.

(Ord. No. 4233-11/2009, 4256-5/2010, 4294-5/2011, 4304-9/2011 and 4334-12/2012)

34-310. Child care facilities.

(1) Any child care facility which provides care for nine (9) or more children, shall provide one off-street parking space on the premises for each employee of that program.

(Ord. No. 3139-8/89, 4233-11/2009 and 4429-3/2015)

34-311. Accessory uses and structures.

(1) In General. Within the schedule of district regulations certain buildings and structures may be erected and land may be used for purposes which are clearly incidental to, and customarily and commonly associated with the main permitted use of the premises. Such accessory buildings and uses shall be so constructed, maintained and conducted as to not produce noise, vibration, concussion, dust, dirt, fly ash, odor, noxious gases, heat, glare,

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magnetic or other type of radiation, electrical interference or any other deleterious effect which is injurious, damaging, unhealthful or disturbing to adjacent property, the users thereof, or the users of the subject property. Such uses shall be on the premises of the main use.

(2) Accessory Uses of Principal Buildings. Any accessory use may be conducted in the principal building, provided it is constructed as an integral part of the main building and meets all regulations affecting the main building; except,

(a) No more than one (1) garage or carport space shall be permitted for each two thousand (2000) square feet of lot coverage. For the purposes of this section, a garage or carport space shall be considered to have an area not exceeding two hundred eighty-eight (288) square feet.

All portions of the main building, including those used for accessory uses shall be subject to the standards and lot coverage requirements for the district.

(3) Accessory Uses of Accessory Structures - Residential.

(a) Residential zoned and developed property shall be permitted detached accessory buildings, limited to the following:

- (i) Garage.
- (ii) Tool shed.
- (iii) Hobby shop.
- (iv) Greenhouse.
- (v) Children's playhouse or similar structures.

(b) Detached accessory buildings shall be permitted according to the planning and design standards in Table 311-1.

TABLE 311-1: RESIDENTIAL ACCESSORY STRUCTURES*			
Size	Quantity	Setbacks	Design Standards
144 s.f. or less	No limits but no more than 10% of lot area	10' from principal structure; 10' from other structures (lots more than 50' width); 6' from other structures (lots 50' width or less); 3' from side or rear property line; Behind the constructed front building line or principal building	None
145 s.f. to 864 s.f.	1 per lot; except that a second detached structure may be constructed provided that the aggregate area of the two accessory structures does not exceed the lesser of 864 sq. ft., or the footprint area of the principal structure. On lots greater than 10,000 sq. ft. in area, one structure with an area not exceeding 864 sq. ft. is permitted for each 10,000 sq. ft. of lot area. Such structures shall count against the limit for structures greater than 864 sq. ft. permitted in this table. No garage shall exceed the size of the principal structure on the lot on which it is located.	10' from principal structure; 10' from other structures (lots more than 50' width); 6' from other structures (lots 50' width or less); 3' from side or rear property line; 1' if abuts an alley Same permitted front setback line as principal buildings	The exterior design and appearance shall be architecturally harmonious with the principal structure, matching the materials, design, style and color of the principal structure.

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More than 864 s.f.	<p>Maximum area of 10% of lot area.</p> <p>Limit of 1 per 10,000 sq. ft. of lot area.</p> <p>Not permitted on lots with area less than 10,000 sq. ft.</p> <p>Shall not exceed the size of the principal structure on the lot on which it is constructed, except that the Agricultural District shall be exempt from this requirement.</p>	<p>10' from principal structure; 10' from other structures; 5' from side or rear lot lines;</p> <p>On corner lots, the accessory structure shall not be located closer to the front lot line than the principal structure. The street-side side-yard shall be the same as required for principal structure in the zoning district in which the property is located.</p>	<p>The exterior design and appearance shall be architecturally harmonious with the principal structure, matching the materials, design, style and color of the principal structure, except that the Agricultural District, and any agriculturally used land in the 2-mile extraterritorial zoning jurisdiction, shall be exempt from this requirement.</p>
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* Accessory building footprints contribute to the overall lot coverage limits applicable in the zoning district, and the quantity and sizes may be limited beyond the above limitations by the overall lot coverage requirements on individual lots. Accessory buildings on corner lots shall meet the applicable street-side side-yard setback that applies to the principal structure in the district in which it is located.

(4) Specified Accessory Uses. The following are hereby found to be accessory uses so long as they do not conflict with the general requirements for accessory uses, as set forth in subparagraph (1) above:

(a) In all Districts except CMP, C-O, C-1, C-2, C-3, I-1 and I-2: caregiver quarters.

(b) In all Districts: temporary real estate sales office, located on the property being sold, and limited to the period of sale.

(c) As to multiple family dwellings: recreation areas, including tenant use swimming pools and minor recreation buildings, tenant trash collection centers, power generators, vending machines for tenant use and other similar uses.

(d) District R-3 and I-2: food service and vending machines for tenants only, private garages for motor vehicles, apartment for maintenance personnel, low level exterior lighting, radio, television or microwave antennae not exceeding sixty (60) feet in height, flag poles, cooling towers and other similar uses.

(e) Districts I-1 and I-2: security and screen fencing, radio and microwave towers to heights as set out in this chapter, gate house, loading equipment, dwellings incidental to industrial activities, and other similar uses.

(f) As to motels: a restaurant, banquet room, liquor, notions and magazine counters, vending machines, beauty and barber shops, clubs, flower and gifts shops, provided all are within the main building and designed to service primarily the occupants and patrons of the motor hotel.

(g) As to hospitals: residential quarters for staff and employees, nursing or convalescent quarters, storage and utility buildings, food and prescription service, and vending machines, laundry and other similar services for hospital personnel and patients.

(h) As to utility buildings: outside storage of materials and equipment, provided all outside storage is screened from view from off the premises.

(i) As to single family residences: private swimming pools, gardens, pets lawfully kept under the code, television and radio receiving antennae not exceeding sixty (60) feet in height, signs as permitted in this Chapter, parking areas, tool sheds not exceeding one hundred (100) square feet, play equipment, storage of one (1) tenant owned boat, camping trailer or pickup camper, the overnight parking of a truck of one ton rating or less, and other similar uses. Any accessory use, other than a residential building or garage, which exceeds ten (10) feet in height shall be located a distance inside the property line at least equal to one third its height.

(5) No private drive or walk shall be permitted across property zoned R-1 to C-0 inclusive, for the purpose of providing access between parcels located in districts zoned C-1 to I-2 inclusive.

(6) Permitted temporary accessory uses.

(a) Portable storage units. No portable storage unit shall be placed on a residential property without first submitting an application for a permit to the Development Services Department;

(b) The application shall include:

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(i) The name, address, and telephone numbers(s) of the owner or manager of the property on or at which the temporary storage unit is to be placed;

(ii) The name, address and telephone number of the individual or company which owns the temporary storage unit;

(iii) A plot plan showing the distance between the proposed location of the unit and the street, driveway or parking area, the dwelling and other structures.

(iv) Such other information as the City may require to determine full compliance with this and other applicable ordinances of the City;

(v) Application fee per approved fee schedule.

(c) Portable storage units are permitted subject to the following limitations and standards:

(i) Permitted on properties with existing detached single family and attached single family dwellings.

(ii) Permitted on the driveway and rear yard of a property. The placement of the portable storage unit shall be setback 5' from the rear property line.

(iii) The portable storage unit shall be no greater than 9' in width, 9' in height, and 16' in length.

(iv) The portable storage unit may be placed on a property for a period of 14 calendar days. At the end of the 14-day period, the applicant may request a maximum of 2 extensions with 7 days each from the Development Services Department.

(v) Only 1 permit shall be issued for each dwelling at any one time. No more than 2 permits shall be granted for the same property within a 12-month period.

(vi) The portable storage unit shall be locked and secured at all times when the loading and unloading is not in progress.

(vii) Storage of hazardous material within temporary storage units is prohibited.

(viii) Signs affixed to the storage unit identifying the owner/provider of the storage unit are the only form of sign allowed. The total number of signs allowed on a storage unit shall be limited to 2, and no more than 1 on any side. Each sign shall be limited to a maximum of 18 square feet in area. Storage units with the signs pre-printed on the structure shall be excluded from the maximum size requirement.

(ix) All portable storage containers must display an identification card not to exceed one square foot in area which is clearly visible from the right-of-way which includes the permit number, date of its placement on the property, date that removal will be required, and a local or toll-free telephone number of the company providing the portable storage unit.

(x) Any portable storage unit not removed at the end of the permitted period may be removed by the City of Hastings. The cost of such removal and administration of its removal shall be the property owner's responsibility.

(7) The determination of the eligibility of a proposed use as an accessory use shall be made by the Development Services Director. An appeal can be made from his decision, as set out in Section 34-706(A). (Ord. No. 2255, Chapter 1, 3109-1/89, 3335-8/93, 4233-11/2009, 4256-5/2010, 4304-9/2011, 4418-12-2014, 4445-7/2015, 4495-11/2016)

34-312. Manufactured homes.

(1) A Type A manufactured dwelling or a Type B manufactured dwelling shall be a permitted use in a District of the City of Hastings, only if it is located and installed according to (i) the same setbacks and minimum square footage which would apply to a site-built, single-family dwelling unit on the same lot on which the Type A or Type B manufactured dwelling is to be placed, and (ii) the standards for foundation systems for a Type A manufactured dwelling shall meet the requirements of Section 28-103 of this Code, (iii) the standards for foundation systems for a Type B manufactured dwelling shall meet the requirements applicable to site-built, single-family dwelling units in Chapter 28 of this Code, (iv) as to Type A manufactured dwellings, the standards for utility connections under City building codes which are applicable to manufactured homes, and (v) as to Type B manufactured dwellings, the standards for utility connections under City building codes which are applicable to site-built, single-family dwelling units.

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(2) Except when placed in a mobile home court, a Type A manufactured dwelling must meet the following additional standards:

(a) The dwelling shall have no less than nine hundred square feet of floor area per dwelling unit;

(b) The dwelling shall have no less than an eighteen foot exterior width;

(c) The roof of the dwelling shall be pitched with a minimum vertical rise of two and one-half inches for each twelve inches of horizontal run;

(d) The exterior material shall be of a color, material and scale comparable with those existing in residential site-built, single-family construction;

(e) The dwelling shall have a non-reflective roof material which is or simulates asphalt or wood shingles, tile or rock; and

(f) The dwelling shall have wheels, axles, transporting lights and removable towing apparatus removed.

(3) Wherever placed, a Type A manufactured dwelling must also meet the following additional standards:

(a) Any addition or renovation to a dwelling must be built in compliance with National Manufactured Home Construction and Safety Standards, as promulgated by the United States Department of Housing and Urban Development, or any successor regulations thereto, or comparable standards of the Nebraska Department of Health.

(b) Accessory buildings shall not be structurally supported by or attached to a Type A manufactured dwelling unless engineering calculations are submitted to substantiate any proposed structural connection, as provided in the relevant portion of the edition of the CABO One and Two Family Dwelling Code which is then in effect in the City.

(c) A Type A manufactured dwelling may be placed over a basement only when the manufacturer's setup instructions therefor specifically authorize such placement.

(4) When a Type A manufactured dwelling bears a label certifying that it was built in compliance with National Manufactured Home Construction and Safety Standards, as promulgated by the United States Department of Housing and Urban Development, or any successor regulations thereto, it shall not be required to meet the otherwise applicable standards for buildings in the City of Hastings, including those set forth in the Building Code of the City of Hastings.

(Ord. No. 3428-10/94 and 4233-11/2009)

34-313. Sexually oriented businesses.

The intent of this section is to regulate the type and location of the use of sexually oriented businesses through a content neutral ordinance in order to address the secondary effects of this type of land use and to protect the health, welfare and safety of the patrons of such business and the citizens of the City.

(1) As used in this chapter the following terms are specifically defined as follows:

(a) **ADULT BOOKSTORE, ADULT VIDEOS STORE OR ADULT NOVELTY STORE:** A commercial establishment which has a substantial portion of its stock-in-trade, or derives a substantial portion of its revenues or devotes a substantial portion of its interior business or advertising, or maintains a substantial section of its sales or display space for sale or rental, for any form of consideration, any one or more of the following:

(i) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, video reproductions, slides, laser or compact discs, or other visual representations which are characterized by their emphasis upon the exhibition or display of "specified sexual activities" or "specified anatomical areas," or

(ii) Instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or sadomasochistic use or abuse of the user or others.

(iii) A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental or material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as an adult bookstore, adult novelty store or adult video store. Such other business purposes will not serve to exempt such commercial establishment from being categorized as an adult bookstore, adult novelty store, or adult video store so long as one of its principal business purposes is the offering for sale or rental for

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consideration the specified materials which depict or describe "specified sexual activities" or "specified anatomical areas" or if the business advertises the sale or rental of any such material in a way that can be seen or heard from the outside of the location.

(b) ADULT CABARET means a nightclub, bar, restaurant, café, or similar commercial establishment that regularly, commonly, habitually, or consistently features:

(i) Persons who appear in a state of nudity or semi-nudity; or

(ii) Live performances that are distinguished or characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or

(iii) Films, motion pictures, video cassettes, slides, photographic reproductions, or other image producing devices that are distinguished or characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; or

(iv) Persons who engage in "exotic" or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.

(c) ADULT MOTION PICTURE THEATER means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly, commonly, habitually, or consistently shown that are distinguished or characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

(d) ADULT THEATER means a theater, concert hall, auditorium, or similar commercial establishment that regularly, commonly, habitually, or consistently features persons who appear, in person, in a state of nudity and/or semi-nudity, and/or live performances that are distinguished or characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

(e) DISTINGUISHED OR CHARACTERIZED BY AN EMPHASIS UPON means the dominant or principal theme of the object referenced. For instance, when the phrase refers to films "which are distinguished or characterized by an emphasis upon the exhibition or display of specified sexual activities or specified anatomical areas," the films so described are those whose dominant or principal character and theme are the exhibition or display of "specified anatomical areas" or "specified sexual activities."

(f) ESTABLISHMENT means and includes any of the following:

(i) The opening or commencement of any sexually oriented business as a new business;

(ii) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented businesses;

(iii) The additions of any sexually oriented business to any other existing sexually oriented business; or

(iv) The relocation of any sexually oriented business; or

(v) A sexually oriented business or premises on which the sexually oriented business is located.

(g) LIVE THEATRICAL PERFORMANCE means a play, skit, opera, ballet, concert, comedy, or musical drama.

(h) NUDE, NUDITY or a STATE OF NUDITY The showing or depiction of the human post-pubertal male or female genitals, pubic area or buttocks with less than a full opaque covering, the showing or depiction of covered male genitals in a discernibly turgid state, or the showing or depiction of the female breast with less than a full opaque covering of any portion thereof below the top of the areolae of the nipple.

This definition shall include the entire portion of the human female breast below the top of the areolae of the nipple, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit or other clothing.

(i) OPERATE OR CAUSE TO BE OPERATED means to cause to function or to put or keep in a state of doing business. Operator means any person on the premises of a sexually oriented business who is authorized to exercise operational control of the business, or who causes to function or who puts or keeps in operation, the business. A person may be found to be operating or causing to be operated a sexually oriented business regardless of whether that person is an owner, part owner, or licensee of the business.

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(j) PERSON means an individual, proprietorship, partnership, limited liability company or partnership, corporation, association, or other legal entity.

(k) PREMISES means the real property upon which the sexually oriented business is located, and all appurtenances thereto and buildings thereon, including, but not limited to, the sexually oriented business, the grounds, private walkways, and parking lots and/or parking garages adjacent thereto, under the ownership, control, or supervision of the licensee, as described in the application for a business registration pursuant to Section 5 of this ordinance;

(l) REGULARLY FEATURES OR REGULARLY SHOWS means at least thirty percent (30%) of the gross floor space or retail floor space are devoted to the purpose, or at least thirty (30%) of the annual gross sales of the business are derived from that purpose.

(m) SEMI-NUDE OR SEMI-NUDITY means the appearance of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel provided the areola is not exposed in whole or in part.

(n) SEXUALLY ORIENTED BUSINESS means any business enterprise that:

(i) Regularly features or regularly shows the sale, display or rental of goods that are designed for use in connection with "specified sexual activities," or that emphasize matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas"; or

(ii) Regularly features or regularly shows entertainment where the emphasis is on performances, live or otherwise, that depict, portray, exhibit or display "specified anatomical areas" or "specified sexual activities"; or the providing of services that provide "specified sexual activities" or "specified anatomical areas" ancillary to other pursuits, or allow participation in "specified sexual activities" ancillary to other pursuits.

(o) SPECIFIED ANATOMICAL AREAS means:

(i) The human male genitals in a discernibly turgid state, even if fully and opaquely covered;

(ii) Less than completely and opaquely covered human genitals, pubic region, buttocks, or a female breast below a point immediately above the top of the areola.

(p) SUBSTANTIAL ENLARGEMENT of a sexually oriented business means the increase in floor areas occupied by the business by more than twenty-five (25%) percent on the date this Ordinance takes effect or on the date of the issuance of a sexually oriented business registration.

(2) Sexually oriented businesses allowed in the City of Hastings are classified as follows:

(a) Adult bookstore, adult novelty stores, or adult video stores;

(b) Adult cabarets;

(c) Adult motion picture theaters;

(d) Adult theaters;

(3) Such business shall not be established, operated, caused to be operated or substantially enlarged within five hundred feet (500') of:

(a) a church or other buildings primarily used for religious services or associated church structure such as a parish or fellowship hall;

(b) a childcare facility;

(c) a property line of a lot devoted to a residential use, either single or multiple family;

(d) a park;

(e) a hospital;

(f) community recreation center;

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(g) public library;

(h) facility for youth service such as youth center, boys or girls club, scout, 4-H or other youth program meeting building;

(i) another sexually oriented business.

(4) Such business shall not be established, operated or caused to be operated, within one thousand feet (1000') of a public or private educational facility including but not limited to nursery schools, preschools, elementary schools, middle schools, high schools, special education schools and community colleges. School includes the school grounds and playgrounds.

(5) For the purposes of Section 34-313(3)-(4), measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a use listed in Section 34-313(2). The presence of any political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this Section. The distance between any two (2) sexually oriented businesses shall be measured in a straight line, without regard to any intervening structures or objects, from the closest exterior wall of the structure in which each business is located.

(Ord. No. 4143-10/2007 and 4233-11/2009)

34-314. Small wind energy systems.

Small Wind Energy Systems are allowed as a restricted use in all zoning districts. The following specific conditions shall apply:

(1) The base of the tower shall be set back from all property lines, utility easements and rights of way equivalent to the height of the tower, including turbine blades. Any facility mounted on a building shall be set back from the edge of the building equivalent to the height of the facility measured from the building mount.

(2) Maximum tower height, measured to the heights point of the turbine blades:

(a) In Residential districts 60 feet.;

(b) In Agricultural districts 100 feet;

(c) In Commercial and Industrial Districts 80 feet.

(3) Noise. Small wind energy systems shall not exceed 60 dba measured at the closet neighboring inhabited structure. The level may be exceeded during short term events such as utility outages or severe wind events greater than 50 mph.

(4) All small wind energy systems shall be designed and approved by a listing agency such as the American Wind Energy Association, UL, Factory Mutual, or other listing agency, or be designed by a licensed engineer.

(5) All building permit applications shall be accompanied by engineered drawings and specifications for the tower, base, footings, and other facilities from the manufacturer or designer.

(6) All small wind energy systems shall be located, constructed and operated to comply with any applicable FAA Regulations or Guidelines.

(7) All small wind energy systems shall be in compliance with the National Electric Code.

(8) Utility Notification. No small wind energy system shall be installed without prior notification and approval of the Board of Public Works of the intent to construct, install and operate an interconnected customer-owned generator and must meet all the requirements of the Board for interconnection. Off-grid systems shall be exempt from this requirement.

(9) All small wind energy systems shall have utility company approved metering transfer switches.

(10) If a wind generator is inoperable for more than one year, the owner shall be notified that they must, within 3 months of receiving notice, restore to working order or removed the system.

(11) No signs other than manufacturer, safety and warning labeling shall be placed on the tower of turbine. For systems which exceed 12 volts, "High Voltage" warning signs shall be posted on or near the system.

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- (12) The wind generator system shall not have any illumination unless required by FAA regulations or guidelines.
- (13) Any climbing devices shall be removed below 12 feet to prevent unauthorized climbing.
- (14) The tower shall be freestanding without the aid of guy wiring.
- (15) Turbine blades, whether horizontal or vertical shall be a minimum of 12 feet above the adjacent grade.
- (16) All communications and connector lines associated with the installation shall be buried. If obstacles prevent an underground installation, the applicant shall receive a waiver from the Board of Public Works.
(Ord. No. 4233-11/2009)

34-315. Communication towers.

In districts where telecommunication facilities and support structures are allowed as a conditional or restricted use, the following specific conditions shall apply:

(1) Applicability. These provisions shall apply to all new telecommunication facilities, ordinary maintenance of existing telecommunications facilities and support structures, shall be exempt from zoning and permitting requirements. In addition, the following facilities are not subject to the provisions of this Ordinance: (1) antennas used by residential households solely for broadcast radio and television reception ; (2) satellite antennas used solely for residential or household purposes; and (3) television and AM/FM radio broadcast towers and associated facilities.

(2) Definitions. The following terms shall have the meaning giving for the purposes of administering this section:

(a) Accessory Equipment. Any equipment serving or being used in conjunction with a telecommunications facility or support structure. This equipment includes, but is not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or other structures.

(b) Alternative Support Structure. Any structure that exists for purposes other than supporting telecommunication facilities, but which may support telecommunication facilities and serve the interest of stealth design or co-location.

(c) Antenna. Any structure or device used to collect or radiate electromagnetic waves for the provision of cellular, paging, personal communications services (PCS) and microwave communications. Such structures and devices include, but are not limited to, directional antennas, such as panels, microwave dishes and satellite dishes, and omnidirectional antennas, such as whips.

(d) Collocation. The act of siting telecommunications facilities in the same location on the same support structure as other telecommunications facilities. Collocation also means locating telecommunications facilities on an existing structure (for example: buildings, water tanks, towers, utility poles, etc.) without the need to construct a new support structure.

(e) Ordinary Maintenance. Ensuring that telecommunications facilities and support structures are kept in good operating condition. Ordinary maintenance includes inspections, testing and modifications that maintain functional capacity, aesthetic and structural integrity; for example the strengthening of a support structure's foundation or of the support structure itself. Ordinary maintenance includes replacing antennas and accessory equipment on a like-for-like basis within an existing telecommunications facility and relocating the antennas of approved telecommunications facilities to different height levels on an existing support structure upon which they are currently located.

(f) Stealth Telecommunications Facility. Any telecommunications facility that is integrated as an architectural feature of a structure so that the purpose of the facility for providing wireless services is not readily apparent to a casual observer. Antennas must be enclosed, camouflaged, screened, obscured or otherwise not readily apparent to a casual observer. The structure utilized to support the Antennas must be allowed within the underlying zone district. Such structures may include, but are not limited to, flagpoles, bell towers, clock towers, crosses, monuments, smoke stacks, parapets, and steeples. However, any structures that are not commonly occurring on similar sites or in the district, or which are required to be designed out of scale with the ordinary occurrence of these structures to accommodate the telecommunications facilities shall not be considered "stealth."

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(g) Telecommunication Facility Support Structure(s). A structure designed to support telecommunications facilities including, but not limited to, Monopoles, Towers, Utility Poles and other freestanding self-supporting structures.

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

(3) Specific Standards. Conditional Use Permits for telecommunication facilities shall be reviewed according to the following specific standards:

(a) Minimum separation. Any new telecommunications support structure shall be separated from any other telecommunications tower by a minimum distance of ½ mile. Separation distance shall be measured by a straight line between the bases of the telecommunications facility support structures. Telecommunication facilities located on existing alternative support structures and telecommunication facilities located in Industrial zoning districts shall not count in determining minimum separation distances. If the applicant demonstrates that adequate coverage cannot be achieved by any means meeting these separation requirements, and no alternative support structure or co-location is possible, the City may consider lesser separation distances.

(b) Separation from existing residential uses. A telecommunications facility, tower or antenna shall be located a distance of at least 3 times its height from any lot used solely for single-family or two-family dwellings, or zoned for use solely for single-family or two-family dwellings. The distance shall be measured from the base of the telecommunications facility support structure to the lot line of any property so zoned or used.

(c) Antenna support facilities. To minimize adverse visual impacts, antenna shall be located on the following support facilities in order of priority. Where a lower ranked priority is proposed, the applicant shall demonstrate that the higher ranked priority was not feasible.

(i) Location on existing alternative support structure.

(ii) Co-location on existing telecommunications facility support structure.

(iii) New telecommunications facility support structure.

(d) Antenna type. To minimize adverse visual impacts, the antenna type used shall be the following alternatives, in order of priority hierarchy. Where a lower ranked alternative is proposed, the applicant must demonstrate by substantial evidence that higher ranked options are not technically feasible.

(i) Stealth, if locating on existing alternative support structure.

(ii) Panel.

(iii) Whip.

(iv) Dish.

(e) Future co-location. Wherever technically feasible, the facility owner shall provide for future co-location on the facility by other service providers and for public purposes or demonstrate by substantial evidence that it is not feasible. At a minimum, a monopole tower must be built to have the capacity to accommodate two (2) antenna arrays. At a minimum, a self-support, lattice or guyed tower must be built to have the capacity to accommodate three (3) antenna arrays. The owner of a tower shall not charge providers seeking to co-locate in excess of the fair market value for the space, as determined at the time of the request for co-location. In the event of a dispute, the parties shall select an independent appraiser to determine fair market value. If the parties cannot agree on the selection of an appraiser, the City shall select one. All appraisals shall be performed at the expense of the parties.

(f) Site and Design Standards. All telecommunication facilities shall meet the following minimum site and design standards.

(i) Setbacks:

(1) Telecommunication facility support structures shall be set back from any property line a distance equal to the height of the structure. The City may approve or require a lesser setback where it more effectively removes the support structure from visibility from the right-of-way or adjacent property zoned or used for lesser intense uses, and where no additional impacts on adjacent and similarly zoned property will occur.

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(2) Telecommunication facilities on alternative support structures shall meet the general setback requirements for all structures in the district.

(ii) Height.

(1) Telecommunication facility support structures shall be a maximum of:

(a) 90 feet in Commercial Districts.

(b) 120 feet in Agriculture Districts.

(c) 120 feet in Industrial Districts as a restricted use, except up to 200 feet through the conditional use permit review.

The City may require that the maximum heights be lower than specified above if lower heights meet adequate coverage requirements. The maximum height may be further limited on individual applications in order to minimize impacts on adjacent property or the public rights-of-way, when considering all other issues associated with the design, location, coverage goals, and other issues associated with the specific facility. Where the above heights are demonstrated by the applicant to not provide adequate coverage requirements, and where no other alternative for adequate coverage by any providers exists, the City may permit support structures that exceed these heights, provided the site context or additional mitigation measures ensure protection of adjacent property and all other standards of this section are met.

(2) Telecommunication facilities located on alternative support structures shall be limited to the permitted height for structures in the applicable zoning district. In addition, facilities may only exceed the height of the existing structure up to 20' and shall be setback from the edge of the structure a distance equal to the height that the facilities exceed the height of the existing structure.

(iii) Antenna Design. When antennas are located on alternative support structures, they shall meet the following design standards:

(1) Directional or panel Antennas shall not exceed ten (10) feet in length and two (2) feet in width.

(2) Omnidirectional or whip Antennas shall not exceed twenty (20) feet in length and not exceed seven (7) inches in diameter.

(3) Cylinder-type Antennas shall not exceed ten (10) feet in length and not exceed twelve (12) inches in diameter.

(4) Satellite and microwave dishes shall not exceed ten (10) feet in diameter. Dish antennas greater than three (3) feet in diameter shall be screened with an appropriate architectural treatment that is compatible with or integral to the architecture of the building to which they are attached.

(5) Other Antenna types not specifically mentioned above shall be permitted if they are not significantly greater in size and will have a visual impact no greater than the Antennas listed above.

(6) All antenna types shall be of a color that is identical or similar to the color of the supporting structure to make the Antenna and related Accessory Equipment visually unobtrusive.

(7) Unless otherwise required by the Federal Communications Commission, the Federal Aviation Administration, or the City, telecommunication facility support structures shall have a galvanized silver or gray finish.

(iv) Accessory Equipment Standards.

(1) Accessory equipment shall meet the setback requirements of the applicable zoning districts and be no greater than 30 feet from the support structure.

(2) The compound area surrounding the support structure shall be of sufficient size to accommodate accessory equipment for at least 3 telecommunications providers.

(3) Ground mounted accessory equipment and support structures shall be secured and enclosed with fence not less than 6 feet in height as deemed appropriate by the City. The City may waive this requirement if it is deemed that a fence is not appropriate or needed at the proposed location.

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(4) An equipment building, shelter or cabinet must not exceed 500 square feet and 12 feet in height, including the support structure for the equipment building. A single equipment building or shelter may be up to 1200 square feet if it is used by more than one telecommunication provider.

(5) They City may require that the building or shelter be designed and faced with suitable material comparable to other structures in the vicinity or the requirements that will be imposed on any new structures in the vicinity.

(v) General Site Design.

(1) Telecommunications Facilities or Support Structures shall not be lighted or marked unless required by the Federal Communications Commission or the Federal Aviation Administration (FAA).

(2) Signs located at the Telecommunications Facility shall be limited to ownership and contact information, FCC antenna registration number (if required) and any other information as required by government regulation. Commercial advertising is strictly prohibited.

(3) In all districts, the City may impose reasonable landscaping requirements, similar to that of all other structures in the zoning district, surrounding the Accessory Equipment. Requirements beyond what is required for similar structures in the district may be required where a proposed facility poses the potential for impacts on adjacent property or the right of way greater than uses ordinarily occurring in the district.

(4) Application Submission Requirements. Complete applications shall be scheduled for review according to the City's conditional use permit review requirements. All conditional use permit application for telecommunication facilities shall contain the following:

(a) An application form signed by applicant.

(b) Copy of lease or letter of authorization from property owner evidencing applicant's authority to pursue zoning application.

(c) Zoning Drawings detailing proposed improvements. Drawings must depict improvements related to the requirements listed in this Section, including property boundaries, setbacks, topography, elevation sketch, and dimensions of improvements.

(d) In the case of a new Support Structure:

(i) Statement documenting why collocation or alternative support structures cannot meet the applicant's requirements. Such statement may include such technical information and other justifications as are necessary to document the reasons why they are not a viable options; and

(ii) The applicant shall provide a list of all existing structures considered as alternatives to the proposed location. The applicant shall provide a written explanation why the alternatives considered were either unacceptable or infeasible due to technical, physical, or financial reasons. If an existing tower or monopole is listed among the alternatives, applicant must specifically address why the modification of such structure is not a viable option.

(e) Number and type of proposed Antennas and their height above ground level, including the proposed placement of Antennas on the Support Structure, its design in relation to the design standards and options for antenna types.

(f) Distance from any residential use or residentially zoned property.

(g) Distances from all other existing telecommunication facility support structures within a 1 mile radius.

(h) Line-of-sight diagram or photo simulation, showing the proposed Support Structure set against the skyline and viewed from at least four (4) directions within the surrounding areas.

(i) A statement that the proposed Support Structure will be made available for Collocation to other service providers at commercially reasonable rates.

(j) An application fee.

(5) Minimum Requirements and Other Laws. The standards of this section shall be considered the minimum requirements to begin to review compatibility with surrounding areas, and additional requirements may apply through the discretionary review process. A telecommunications facility owner shall certify to the City that all franchises/licenses required by law for the provision of telecommunication services in the City have been obtained

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and shall file a copy of these with the City. The construction, operation and repair of a facility shall be in accordance with all applicable local, State and Federal requirements. The construction, operation and repair shall be performed in a manner consistent with the applicable industry standards, including the Electronic Industries Association. The facility must be designed to meet or exceed current standards and regulations of the FAA and FCC, including emissions standards, and any other agency of the local, State or Federal Government with the authority to regulate the facility prior to issuance of a building permit by the City. A statement shall be submitted by a licensed engineer certifying compliance with this Subsection.

(6) Abandonment and Removal.

(a) Abandonment. Any telecommunications facility or support structure that is not operated for a period of twelve (12) consecutive months shall be considered abandoned.

(b) Removal. The owner of the telecommunications facility or support structure shall remove the facility within six (6) months of its abandonment. The City shall ensure and enforce removal by means of its existing regulatory authority.

(Ord. No. 4233-11/2009)

34.315.01. Limited agriculture.

(1) Limited Agriculture inside of the corporate limits of the City of Hastings shall comply with the following:

(a) A maximum of three (3) horses shall be permitted on lots with an area of two (2) acres or greater.

(b) A maximum of two (2) horses shall be permitted on lots with an area less than two (2) acres.

(c) All other hoofed animals not specifically described above are limited to a maximum of two (2) animals per lot.

(d) The following animals are prohibited: swine; ducks, geese, swans, turkeys, ostrich, emus, pheasants, quail, peacocks and other similar fowl.

(e) Chickens are subject to the regulations found in Section 10-102 of this Code.

(f) For the purposes of this section multiple contiguous lots in common ownership which are not developed with another permitted principal use shall be deemed one lot.

(g) Sites utilized for limited agriculture shall not produce noise that disturbs the peace and quiet of the neighborhood in which it is located.

(h) Sites utilized for limited agriculture shall have all waste products, including animal waste, removed on a regular basis so as not to cause odor beyond the lot line of the property where the limited agriculture is conducted.

(i) Sites utilized for limited agriculture shall internalize effects to the site, so as not to create a nuisance to neighboring properties.

(j) Sites utilized for limited agriculture shall not produce effects or conditions that violate the provisions of Chapter 18, Offenses—Miscellaneous.

(2) Limited Agriculture outside the corporate limits of the City of Hastings shall comply with the following:

(a) A maximum of two (2) livestock animals shall be permitted on lots with an area less than two (2) acres.

(b) The maximum number of livestock animals shall be limited to 1 per acre for lots or parcels having an area greater than two (2) acres.

(c) All livestock animals as allowed pursuant to the section shall be in an enclosed or fenced area which shall be kept in good repair so as to not allow the livestock animals to run at large or be off the owner's property.

(d) Sites utilized for limited agriculture shall have all waste products, including animal waste, removed on a regular basis.

(e) Sites utilized for limited agriculture shall internalize effects to the site, so as not to create a nuisance to neighboring properties.

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(f) Sites utilized for limited agriculture shall not produce effects or conditions that violate the applicable provisions of Chapter 18, Offenses—Miscellaneous.
(Ord. No. 4347-5/2013 and 4415-11/2014)

34-316. Pedestrian overlay standards.

(1) Design Objective. The Design Objective of the Pedestrian Overlay Design Standards is to:

- (a) Enhance the community character in more compact commercial or mixed use development patterns;
- (b) Improve the design of commercial and mixed use areas to allow a close relationship to supporting neighborhoods;
- (c) Create character and identity through a wide variety of diverse architectural details within a range of compatible building forms and scales;
- (d) Integrate new buildings into the existing context of the community;
- (e) Emphasize the relationship and orientation of buildings and sites to public streetscapes and open spaces, and to compliment investment in the public realm.
- (f) Improve the pedestrian level of service through directness, continuity, street crossings, visual interest and amenity, and security.
- (g) Encourage quality construction and improve sustainability with durable, adaptable, and re-usable buildings.

(2) Applicability. These standards apply to mixed-use activity centers, small scale commercial districts near neighborhoods, or other similar areas where diverse, walkable environments are desired. Specifically, they apply as an overlay to Commercial Zoning Districts where this type of environment is desired based on planning context. Application of the overlay shall be through the same procedures as rezoning property, but may occur in conjunction with rezoning of the base zoning districts. The Pedestrian Overlay shall be designated by a "Ped" following the base zoning district (i.e. C-1-Ped).

(3) Streetscapes and Lot Frontages.

(a) Required Building Frontage. The primary façade shall occupy at least 75% of the required front building line along the frontage, except:

(i) Where the primary building entrance is accessed by a courtyard, plaza or similar civic open space along the streetscape, the front building line may be setback as much as 25'. At least 50% of the lot frontage along the street shall be either building façade or an alternate street wall between 2.5 and 4 feet, and matching the materials or ornamentation of the building.

(ii) On secondary or support streets that are not the primary pedestrian and retail streets for the area, the Director may approve an exception for a building façade that occupies as little as 30% of the front building line, provided it does not impair the design standards for the public streetscape and is consistent with the site design of adjacent property. The Director may require landscape elements, low ornamental walls or similar design details as alternate street walls, particularly at any corner location.

(iii) Where on-site parking is permitted to the side of the building, according to parking standards, the primary facade can occupy as little as 60% of the front building line. An alternative street wall of between 2.5' and 6' feet and matching the materials or ornamentation of the building shall be at the extension of the front building line to screen parking areas.

(iv) Buildings designed for Civic Uses may have greater setbacks provided the building façade orients to the street and any space between the building and public street is designed as Civic Open Space.

(b) Primary Entrance Feature. Any façade that faces a public street or civic open space shall contain a single-story primary entrance feature subject to the following:

(i) The primary entrance feature shall have enhanced architectural details such as a canopy or arcade, recessions of up to 5', and decorative moldings, framing, or roof and awnings.

(ii) Primary entrance features shall occur at least every 75' along a building frontage. Where a single tenant occupies more than 75' of building frontage, the I shall be differentiated by horizontal massing techniques specified in sub-section (f), and primary entrance features may occur every 125' along the building frontage.

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(4) Lot Access and Internal Circulation.

(a) Driveways. All situations where a sidewalk or pedestrian facility intersects with an internal vehicle circulation should be treated by one of the following manners:

- (i) The material, layout and grade of the pedestrian access should be continuous as it crosses the grade; or
- (ii) A crosswalk differentiated from vehicle surfaces by different materials, texture or color, or a speed table. Crosswalks shall not exceed 32 feet. Where crosswalks would exceed 32 feet, curb projections shall be used to shorten pedestrian crossing distances.

(b) Internal Access Streets. Any single block, lot or development site larger than 5 acres shall provide a system of internal access streets to establish connectivity and mobility within the site and coordinate with streets and blocks adjacent to the site. Internal access streets shall:

- (i) Be designed according to the public street design standards in the Subdivision Regulations, including the standards for, vehicle lanes, parking lanes, streetscape design;
- (ii) Organize the site into smaller “blocks” between 1 and 4 acres for buildings, open space, and parking; and
- (iii) Be treated as public streets for interpretation and application of setbacks, build to lines, curb cuts and driveway access, and building and lot frontage standards.

(c) Pedestrian Access and Circulation. All development sites shall include direct pedestrian connections and circulation routes at the same or greater frequency as is provided by streets, driveways, and internal access streets.

(i) Generally. At a minimum pedestrian access and circulation within a site shall provide dedicated pedestrian facilities directly connecting each of the following:

- (1) All public entrances of all buildings;
- (2) The public sidewalk on adjacent streets or internal access streets;
- (3) On-site parking areas;
- (4) Required open space and other site amenities; and
- (5) Adjacent sites, where pedestrian access between sites via the sidewalks on streets or internal access streets is remote.

(ii) Sidewalk widths. Internal sidewalk widths shall meet the following requirements:

TABLE 316-1: INTERNAL SIDEWALK WIDTHS	
<i>Location</i>	<i>Minimum Width</i>
<i>In general</i>	6'
<i>Along any building façade abutting a parking area or along parking with vehicle overhangs</i>	8'
<i>Along any building façade with a primary entrance</i>	12'

(5) Open Space Design. Open space shall be required as provided in the Subdivision Regulations Where site development occurs without subdivision of land, and where the lot does not have access to open space required by Section 34-305, open space shall be provided on the lot subject to the following:

(a) Commercial or Mixed-use Buildings. On-site open space shall be 5% of the building footprint plus an additional 1% for each story of the building greater than 2 stories.

(b) Large Buildings. On-site open space for buildings with over 50,000 square feet footprints shall be 8% of the building footprint plus an additional 1% for each story of the building greater than 2 stories.

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(c) Residential. Any residential buildings shall provide at least 200 square feet per dwelling unit, except that up to 40% of this requirement may be accommodated by outdoor decks, balconies or similar private or common open space.

(d) Design. On-site open space shall meet the Type, Design Standards and Location Criteria of the Section 34-305.

(6) Building Design. Any façade that faces a public street, Internal Access Street, or Civic Open Space shall contain the following façade design features.

(a) Façade Components. Each façade shall have components differentiated with a change in materials, projections or ornamental architecture to decrease vertical massing (base, top, and mid-section) and horizontal massing (structural bays and façade breaks) for longer building facades. Standards for decreasing vertical and horizontal massing are:

(i) Base. The base shall be directly at grade and support storefront window sills, and consist of the lower 5% to 25% of the building height, but never more than the first story.

(ii) Top. The top shall be the upper most 5% to 15% of the façade and differentiated with a continuous horizontal architectural treatment such as a cornice line or parapet. Except that on pitched roof structures, the eave and roof structure shall be the top. Where any buildings of 4 stories or more are permitted, the upper story may be differentiated as the top.

(iii) Mid-section. The mid-section shall be all portions of the façade that are not the base or body, and may consist of primary materials, secondary materials and window openings.

(iv) Horizontal Massing. Any building with a front façade with a width greater than 150' shall have differentiated horizontal massing through any combination of the following:

(1) Differentiated structural bays every 25' to 50', demonstrated by a vertical expression line of trim or ornamental architectural elements that distinguish it from the rest of the facade;

(2) An intervening courtyard or plaza meeting the requirements of sub-section (e), resulting in no single portion of horizontal façade greater than 75'.

(b) Façade Openings. Each facade shall have openings at street level and upper levels according to the following:

(i) Between 60% and 90% of all street-level facades between 2 and 10 feet above grade shall be transparent with views to the interior of the building. No window starting at a level of greater than 3.5 feet above the street level should be included in the calculation. Where the interior operation or program of the building warrants screening from the street, a closed display window of at least 2.5 feet may be substituted along up to 50% of the linear distance of the façade.

(ii) No more than 20' of building frontage shall exist at the street level without window or door openings. On secondary or support streets that are not the primary pedestrian and retail streets of the District, the Director may approve facades with greater than 20' of building frontage without window and door openings.

(iii) Upper level openings shall occupy between 20% and 50% of the façade and consist of punched and regularly spaced openings to create a rhythm and pedestrian scale for the façade.

(iv) Corner buildings with two street frontages may designate one frontage as the primary frontage; however, at least the first 30' of secondary frontage from the corner shall meet the above minimum opening requirements.

(7) Site Screening. Any delivery and service areas, external support equipment, site utility areas, or other similar high-impact elements of site and building design shall be subject to the following:

(a) All delivery or service areas and loading docks shall be located on a discrete façade, and internal to the block wherever possible.

(b) Any rooftop equipment shall be screened from view of the adjacent public streetscape or other public or common opens spaces by a parapet on flat roofs, or located on a discrete pitch for pitched roofs.

(c) Any service areas, loading docks, service equipment, or other site utility area that is visible from adjacent property or public right-of-way shall be screened with a landscape buffer.

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(d) Any service use that involves vehicle service bays on a primary or secondary façade shall be located on only secondary or support streets, shall have the service bay portion of the building set back at least 30' from the lot frontage, and shall not have service bays that occupy more than 40% of a single façade.
(Ord. No. 4233-11/2009)

34-317. South Burlington design overlay district.

[reserved]
(Ord. No. 4233-11/2009)

34-318. Highway 6 corridor design overlay district.

[reserved]
(Ord. No. 4233-11/2009)

34-319. Urban industrial overlay district.

[reserved]
(Ord. No. 4233-11/2009)

Article IV. Standards for Conditional Uses.

34-401. Scope of article.

Conditional uses may be approved by the Hastings City Council following a public hearing and receipt of a recommendation from the Planning Commission in accordance with the required findings set forth in this Chapter and the additional standards set forth in this article. In considering an application for a conditional use, the Commission and the Council shall require the applicant to produce satisfactory evidence of compliance with both the general and applicable specific standards set forth in this Article. The Commission may recommend and the Council may impose any conditions they deem reasonable and necessary to further the purposes and intent of this Article, to protect the public health, safety and welfare, and to meet the planning goals set forth in the City's Comprehensive Plan.
(Ord. No. 4233-11/2009)

34-402. General standards for all conditional uses.

(1) The Planning Commission shall hold a public hearing to review the required submission documents of each application for a conditional use to assure that the proposed development will integrate compatibility with existing land uses and with permitted uses that may be established within any area to be affected by the proposed development. No conditional use design may be approved which will have a permanent negative impact on those items listed below substantially greater than that anticipated from development permitted without a conditional use. The Commission, following its public hearing, shall forward its recommendation on the application to the Hastings City Council, which shall have final authority following a public hearing to either approve the application, with or without conditions, or to reject the application:

- (a) Pedestrian and vehicular traffic circulation and safety.
- (b) Reasonable and economic extension of public utilities and facilities.
- (c) Noise, fumes, dust or other environmental pollution.
- (d) The maintenance of logical and efficient development patterns and land use mixtures.
- (e) The maintenance of property values in accordance with established and permitted land uses.

(2) Where the approval of a conditional use application would result in the interface of residential and non-residential uses, any approval of the conditional use shall impose conditions and design standards necessary to ensure the maintenance of residential property values and the safety, health, comfort and repose of residents.

(3) All standards contained in this Chapter are minimum standards. More restrictive conditions may be recommended by the Planning Commission and imposed by the Hastings City Council where necessary to ensure compliance with the Comprehensive Plan or the purpose and intent of the zoning regulations.
(Ord. No. 4233-11/2009)

34-403. Application requirements.

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(1) Applications for a conditional use permit shall be submitted to the Development Services Department at least three (3) weeks prior to the Planning Commission's scheduled monthly meeting date. The application shall be signed by the property owner as indicated on the Adams County Register of Deeds Office records at the time of application. The application shall be submitted on forms provided by the Development Services Department and shall be accompanied by the following, unless waived by the Department:

(a) A site plan drawn to scale indicating the property location, scale, north point, adjacent property for a distance of three hundred (300) feet, location of all buildings and uses within the site, access points and traffic circulation.

(b) Existing and proposed topographic contours.

(c) Detailed site development plans.

(d) Detailed building plans, including elevations.

(e) Site profiles and drainage plans.

(f) Detailed parking and landscaping plans.

(g) Detailed underground utility plans.

(h) Other graphic materials necessary to fully depict the proposed development.

(2) A detailed narrative statement shall be submitted with the application for the conditional use permit. Such narrative shall explain the intent of the project, the factors which make the project desirable to the general public and to the surrounding areas, the features and details of the project development, schedule and timing of the development program, and any material or information which the applicant believes to be relative to the case. Where it deems necessary, the Commission or the City Council may require, in addition to the narrative statement:

(a) Marketability or economic feasibility studies.

(b) Geologic or soil boring and test.

(c) Traffic counts in the area.

(d) Other detailed technical material as necessary to fully explain the proposed development.

(3) Upon approval of the conditional use permit by the Hastings City Council, development shall be completely in accordance with the approving plan. Minor revisions to the plan may be approved by the Planning Commission following the public hearing.

(a) Major revisions to the plan are subject to the same public hearing requirements by the Planning Commission and the Hastings City Council as required for the original conditional use permit.

(4) The Council may require landscaping and planting as necessary to preserve compatibility with the surrounding area. If required, the conditional use permit shall contain provisions for permanent maintenance of the landscaping and/or planting.

(5) In any case where the Council determines that the design of a proposed structure may affect the compatibility of a proposed development with the area in which it is proposed to be located, the Council may require changes in the design or may reject the proposed development if no suitable correction can be made.

(6) All buildings, structures and activities, including permitted uses proposed within a conditional use permit development plan application, shall be analyzed with respect to minimum yard requirements maximum lot coverage, and maximum height limitations, in relationship to the development concept as a complete and functional unit. General requirements for each use should be based upon zoning districts where such uses are permitted as a matter of right. However, every use should comply with the general requirements of this Chapter, including but not limited to signs, off-street parking and loading.

(7) The Hastings City Council in approving a conditional use permit development plan may at its option relax the minimum dimensional requirements of this Chapter, when the Council finds such variances are in the best interest of the total development plan, will not adversely affect adjacent property and the public health, safety and general welfare of the community are not compromised. The Council shall not allow a use under this Section which is not permitted as a permitted principal use, a permitted accessory use or as a conditional use under the schedule of district regulations for the zoning district in which the property is located.

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(8) The Hastings City Council shall require adequate guarantee of compliance in approving all conditional use permits. Such guarantee may be a performance bond in the total amount necessary to assure compliance, such bond to be reduced as stages of construction are completed and the public liability for assuring compliance is correspondingly reduced. Alternatively or in concert with a bond, such guarantee may be a stipulation in the event of the applicant's failure to comply, authorizing the City to take the steps necessary to assure compliance, including performing the construction or maintenance itself, and charge all costs thereof as an assessment against the property.

(9) The Development Services Department staff shall submit a written report to the Planning Commission and the Hastings City Council with findings as to how the application complies with the requirements of this Chapter. No permit should be approved until the Hastings City Council is satisfied all requirements of this Chapter have been met.

(10) Concept tentative approval. Applications for a conditional use permit shall be for either concept approval or final approval. Applications for concept approval may be accompanied by schematic preliminary design plans rather than detailed final design construction plans.

(a) Concept approval shall be valid for a period not to exceed eighteen (18) months unless otherwise extended after additional public hearings by both the Planning Commission and the Hastings City Council.

(b) No construction shall take place on the site until final approval has been granted by the Hastings City Council unless expressly authorized by the Council at the time of concept approval. In which case said construction shall be limited to incidental site grading, not including excavation for building sites or water retention areas. (Ord. No. 4233-11/2009)

34-404. Specific standards for conditional uses.

(1) Hospitals, sanitariums, convalescent centers, nursing or rest homes, rehabilitation centers, correctional institutions, psychiatric institutions and similar institutions.

(a) The site shall have direct access from a street or avenue of city arterial street or greater designation on the City's major thoroughfares plan depicted in the Comprehensive Plan. This standard may be waived by the Hastings City Council if the Council finds such waiver is in the best interest of the total development plan, will not adversely affect adjacent property and existing uses thereon, and does not compromise the public health, safety and general welfare of the community.

(b) A site plan, drawn to scale, shall be provided with the application for the conditional use permit. Such site plan shall show the location of all buildings and structures on the site, ingress and egress points, circulation patterns, parking areas, including the total number of parking spaces provided, and a general description of the building uses.

(c) Minimum lot size:

1-10 beds ½ Acre (21,780 sq. ft.)

11-20 beds 1 Acre (43,560 sq. ft.)

For each add'l ½ Acre (or greater if 10 beds required by the City Council)

(d) Minimum yard requirements – The City Council may specify such yard requirements as in its judgment will adequately protect the integrity of surrounding areas and uses.

(e) Maximum lot coverage by all buildings - 20%.

(f) Maximum height of structures - Same as required for permitted uses in the zoning district where the site is located.

(g) Off-street parking - Adequate off-street parking shall be provided in connection with any permitted use. The minimum for each use to be as provided in Section 34-308(A).

(h) Landscaping - All areas of the site not devoted to buildings, structures, parking areas, walkways or driveways shall be covered with one or more of the following: asphaltic compound or concrete, lawn grass, natural or ornamental shrubbery, trees, or other approved landscaping material.

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(i) Walls and screening - Where it deems necessary, the City Council may require that the site be fully enclosed by a wall or fence to prevent casual access to and from the site, or that the periphery of the site be suitably screened by evergreen planting or by other natural planting of sufficient height and density to provide and maintain a year-round visual screen. If the conditional use permit is granted, the wall or screening which is approved shall be fully constructed, inspected and approved by the Development Services Director prior to occupancy.

(2) Churches and other places of religious worship.

(a) The site shall have direct access from a street or avenue of city arterial street or greater designation on the City's major thoroughfares plan depicted in the Comprehensive Plan.

(b) A site plan, drawn to scale, shall be provided with the application for the conditional use permit. Such site plan shall show the location of all buildings and structures on the site, ingress and egress points, circulation patterns and the total number of parking spaces provided.

(c) The minimum lot size for a church in any district where they are permitted as a conditional use shall be fourteen thousand (14,000) square feet, minimum lot width shall be one hundred (100) feet.

(d) Minimum yard requirements - The City Council may specify such yards as in its judgment will adequately protect the integrity of surrounding areas and uses, provided that no yard shall be less than required for the district in which the property is located.

(e) Maximum lot coverage - Same as is required for permitted uses in the zoning district where the site is to be located.

(f) Maximum height of structures - Same as is required for permitted uses in the zoning district where the site is located.

(g) Off-street parking - At least one (1) parking space shall be provided for each three (3) occupants based upon maximum seating capacity of the nave, or for each three (3) occupants based upon the maximum seating capacity of all meeting areas in the structure exclusive of the nave (whichever is greater) as calculated under the latest edition of the International Building Code which has been adopted by the City. Parking spaces shall be at least eight and one-half (8 1/2) feet by twenty (20) feet in size, and all driveways, maneuvering areas and parking areas shall be covered with asphaltic or concrete pavement.

(h) Landscaping - All areas of the site not devoted to buildings, structures, parking areas, walkways or driveways shall be covered with one or more of the following: lawn grass, natural or ornamental shrubbery or trees or other approved landscaping materials.

(i) Accessory uses such as day nurseries and kindergartens must be approved in the original application or by subsequent amendment to the conditional use permit.

(j) Signs. Signage for churches shall be as permitted for a civic or commercial use in the district in which they are located. Any increase beyond that which is allowed within the district in which the church is located shall require specific approval through a Conditional Use Permit application or amendment.

(3) Natural resource extraction.

(a) A site plan, drawn to scale, shall be submitted with any application for a conditional use permit. Such site plan shall show the following information:

(i) Graphic (and legal) description of the petition area.

(ii) Existing topographic contours (not less than ten (10) foot contour intervals).

(iii) Finished topographic contours when extraction is completed (not less than ten (10) foot contour intervals).

(iv) Existing and proposed buildings and structures on the site.

(v) Principal access points which will be used by trucks, and equipment including ingress and egress points and internal circulation.

(vi) Indication of the existing landscape features.

(vii) Location and nature of other operations, if any, which are proposed to take place on the site.

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(b) A narrative statement shall also be submitted with the application for a conditional use. Such narrative shall set forth in detail the following definitive information.

- (i) Method of drainage.
- (ii) Method of fencing or barricading the petition area to prevent casual access.
- (iii) Estimated amount of material to be removed from the site.
- (iv) Estimated length of time necessary to complete the operation.
- (v) Description of operations or processing which will take place on the site during and after the time the material is extracted.
- (vi) Plan or program of regrading and shaping the land for future use.
- (vii) Proposed hours of operation.
- (viii) Other pertinent information that may pertain to the particular site.

(c) General requirements.

(i) Principal access to the site shall minimize the use of residential streets, and access roads shall be treated in a manner so as to make them dust free; further, where access roads intersect arterial streets, suitable traffic controls shall be established.

(ii) A strip of land at the existing topographic level, and not less than fifteen (15) feet in width, shall be retained at the periphery of the site wherever the site abuts a public right-of-way. That periphery strip shall not be altered except for access points.

(iii) All banks shall be left with a slope ratio of no greater than 4:1 (25% slope) unless it can be shown to the Planning Commission's satisfaction that a greater slope is not detrimental to the beneficial future use of the subject property.

(iv) Sufficient attention should be paid to drainage of the site, both during the extraction period and after the site has been regraded. Where a finished grading plan indicates that surface water will be conducted from the site onto adjacent lands, the plan will be subject to the approval of the Public Works Department.

(v) During periods of inactivity, the owner of the pit shall take whatever precautions as are necessary to prevent the site from becoming an attractive nuisance.

(4) Junk yards.

(a) The term "junk yard" shall include, for the purposes of this section, the terms auto-wrecking yard and salvage or scrap yard.

(b) All junk yards, in addition to the conditions implied herein, shall comply with the provisions of Chapter 18 of the Hastings City Code.

(c) General requirements:

(i) The proposed site shall not be located within five hundred (500) feet of any school, hospital, public building, residential subdivision, or place of public assembly.

(ii) A site plan, drawn to scale, shall be provided with the application. Such site plan shall state the legal description of the property, the location of all buildings and structures on the site, access points, off-street parking areas, vehicular circulation and prominent topographical features, if any, of the site or adjacent lands within three hundred (300) feet of the site.

(iii) The minimum lot size for junk yard in any district where they are permitted as a conditional use shall be two (2) acres. The minimum lot width shall be one hundred and fifty (150) feet.

(iv) The junk yard shall be completely enclosed and obscured from the public view by a solid fence or wall eight (8) feet in height, by topography, and evergreen planting of sufficient height and density to provide and maintain a year-round visual screen. The specific type of screening shall be specified in the application. If the

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permit is granted, the screening which is approved shall be fully constructed, inspected and approved by the Development Services Director prior to the yard being utilized.

(v) Failure to maintain the screen as specified shall be cause for the permit to be rescinded and the junk yard shall be removed at the cost of the owner of the land upon which it is located.

(vi) Provisions shall be made to prevent any contamination of the domestic water supply or excessive surface run-off from the property onto adjoining lands or streams. Where it deems necessary, the City Council may require the submission of a site drainage plan. A drainage plan which carries water off of the site shall be subject to the approval of the City Engineer.

(vii) Failure to prevent such contamination of the domestic water supply or to prevent excessive surface run-off from the site onto adjoining lands or streams shall be cause for the permit to be rescinded and the junk yard to be removed at the cost of the owner of the land upon which it is located.

(5) Storage of vehicles in impound yard.

(a) No dismantling, processing or salvaging of vehicles or repair work to vehicles may be performed in an impound yard.

(b) The minimum size of an impound yard shall be one (1) acre.

(c) There shall not be stored in an impound yard at any time more than one (1) vehicle for each (10 x 35) 350 square feet of available storage space in the impound yard.

(d) A fence, sufficient to control access to the impound yard, shall be constructed around the impound yard. The fence shall be not less than size (6) feet in height.

(e) The surface of the impound yard shall at all times be covered with concrete, asphalt or crushed rock.

(f) Weeds, grass and other bushes shall not be permitted to grow more than six inches above the ground at any time in an impound yard.

(g) Vehicles may not be stacked in an impound yard, but must at all times be stored directly upon the surface of the impound yard.

(h) Any lights on an impound yard must be cut off lighting, so as to not allow light to escape outside of the boundary of the impound yard.

(i) The impound yard may not be located closer than 250 feet from property which is zoned to allow residential use nor within 100 feet of a residence, except when such residence is located on a property zoned for industrial use and is being used as an accessory use to a proper industrial use on said property.

(j) Vehicles stored in an impound yard must be removed from the yard within nine (9) months of the time when they are first placed therein; provided however, an impounded vehicle may, upon request of a prosecuting attorney, be kept in an impound yard for so long as such prosecuting attorney requests. To assist in the enforcement of this requirement, the operator of the impound yard shall at all time do the following:

(i) The operator shall keep a book, listing all vehicles which arrive at the impound yard in the order in which they arrive; and the date of arrival, and include therein the name and address of the person from whom each vehicle is received, the name and address of the party controlling the disposition of the vehicle, the name of the manufacturer of the vehicle, the model and type number of the vehicle, and motor number and license number thereof. Said information shall be placed on the record book within 48 hours after a vehicle is placed in the impound yard.

(ii) Any person who shall make any false entry or statement concerning matters required to be set out in the record book shall be deemed guilty of a misdemeanor, and may be fined in the amount of \$100 per violation. Each separate vehicle for which a false entry or not entry is made shall constitute a separate violation.

(k) The provisions of subparagraph (i) shall not prohibit the use of property for residential purposes, when said use arises after the establishment of an impound yard in compliance with the provisions of this Section. However, said residential use shall not affect the validity of the use of the impound yard, for so long as said impound yard shall remain in existence on the continuous basis.

(6) Off-street parking spaces and structures.

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(a) A site plan, drawn to scale, shall be provided with the application. Such site plan shall show the location of the principal building or structure, the location of the proposed parking lot or structure, the dimensions of the lot, access points, circulation patterns, total number of parking spaces provided, and the details of the parking structure, if such is contemplated.

(b) The minimum lot size for any off-street parking structure in any district where they are permitted as a Conditional Use shall be ten thousand (10,000) square feet, minimum lot width shall be eighty (80) feet.

(c) Minimum yard requirements--The City Council may specify such yards as in its judgment will adequately protect the integrity of surrounding areas and uses, and the safe and orderly flow of pedestrian and vehicle traffic.

(d) Maximum lot coverage--None.

(e) Maximum height of structures--Same as is required for a permitted use in the zoning district where the site is located.

(f) Landscaping--All areas not devoted to buildings, structures, drives, walks, parking areas or other authorized installations shall be covered with one or more of the following: lawn grass, natural or ornamental shrubbery or trees. Further, where any side yard abuts residential property, it shall be planted with mature evergreen shrubs of at least five (5) feet in height or screened with privacy fencing at least five (5) feet in height.

(g) Paving, drainage and parking stall size:

(i) The off-street parking area, including all ingress and egress points, shall be covered with asphaltic or concrete pavement.

(ii) Parking spaces shall be at least eight and one-half (8 1/2) feet by twenty (20) feet in size and shall be marked.

(iii) If the site plan indicates that surface drainage will be carried off the site, the plan will be subject to the approval of the City Engineer.

(7) Townhouses, row houses, and office buildings built to a common wall(s).

(a) A site plan, drawn to scale, shall be provided with the application. Such site plan shall show the location of all buildings and structures on the site, courts and open space areas, circulation patterns, ingress and egress points, parking areas (including the total number of parking spaces provided), and a general floor plan of the principal buildings.

(b) Minimum lot requirements.

Lot area--2,000 sq. ft.

Lot width--20 ft.

(c) Minimum yard requirements:

Front yard--20 ft.

Side yard--at the common wall(s)—none.

Other--10 ft. rear yard--10 ft.

(d) Maximum lot coverage--Same as is required for permitted uses in the zoning district where the site is located.

(e) Maximum height of structure--Same as is required for permitted uses in the zoning district where the site is located.

(f) Off-street parking:

(i) Town houses, row houses--At least two (2) parking spaces shall be provided for each dwelling unit.

(ii) Office buildings--Per use, the minimum to be as provided in Section 40-308. All parking spaces shall be at least eight and one-half (8 1/2) feet by twenty (20) feet in size, and all driveways, maneuvering areas and parking areas shall be covered with asphaltic or concrete pavement.

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(g) Ground cover--All areas of the site not devoted to buildings, structures, parking areas, courts, walkways or drive-ways shall be covered with one or more of the following: lawn grass, shrubbery, trees or other approved landscaping materials.

(h) Building standards and agreements:

(i) The applicant or his agent shall provide with his application a property line wall(s) agreement for the land, building and development in question.

(ii) The City Council requires that the design and construction of the property line walls be reviewed by the Development Services Director and the Fire Department to insure compliance with pertinent Building and Fire Codes.

(8) Standards for mobile home parks.

(a) The minimum size of a proposed mobile home park shall be two (2) acres, except as otherwise required for the pertinent use district.

(b) Proposed sites of five (5) acres or less shall have adequate access to dedicated streets having a minimum right-of-way of sixty (60) feet. All other sites shall have direct access to a collector street.

(c) Density for proposed mobile home parks shall not exceed eight (8) units per gross acre.

(d) All areas not devoted to mobile home spaces, buildings, structures, drives, walks, off-street parking facilities, or other authorized installations, shall be covered with one (1) or more of the following: lawn grass, shrubbery, trees, or other suitable ground cover materials. Where it deems necessary, the Planning Commission may require the site to be suitably screened from adjacent lands by evergreen planting or by other materials of sufficient height and density to provide and maintain a year-round visual screen.

(e) All mobile home parks shall meet the standards set forth in Article V of this Chapter.

(9) Standards for self service storage facilities.

(a) Site plan:

(i) The plan shall be drawn at a scale of one inch equals 20 feet. Said plan shall include all building locations, drives, parking, fencing and signage. A landscape plan shall also be incorporated as part of the submittal and must be included as part of the site plan or submitted on a separate sheet. Building elevation shall also be included on the plan along with specification of the colors of buildings and materials to be used.

(ii) Site drainage shall be incorporated in the plan so that storm water run-off from the site will not increase as a result of the proposed development. The facility shall be designed to control the storm water run-off from at least 25-year return frequency storm as certified by the City Engineer.

(b) Minimum site areas: None.

(c) Building setbacks shall be the same as in the C-3 District.

(d) The site shall abut and have direct access to a city street.

(e) Other requirements:

(i) The storage facility shall be enclosed by a six foot high, sight-proof fence whenever the site abuts residentially zoned or developed property. Said fence, when abutting any residential district, shall be solid or semi-solid and constructed to prevent the passage of debris or light, and constructed of either brick, stone, masonry units, wood or similar materials. Chain-link fence may be used so long as it has slats installed to prevent the passage of light through the unit. The side and rear of a building located upon the site may serve as fencing.

(ii) Landscaping shall be provided in the areas outside the fences between the fence and the property line.

(iii) Two parking spaces shall be provided, plus one additional space for each employee. Internal drives and parking shall comply with Section 34-308 of this Chapter for paving requirements.

(iv) Building heights shall be limited to one story (not to exceed fourteen (14) feet at the eaves), unless waived for an existing building by the Planning Commission and the City Council.

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(v) Buildings shall be separated a minimum of thirty (30) feet from one another within self service storage facilities. Storage bays within a single building shall not be interconnected by interior doors or other interior means providing access from one storage bay to another. The dimensions of any storage bay shall not exceed twenty-two (22) feet in the narrowest dimension or thirty-six (36) feet in the widest dimension.

(vi) A sign shall be limited to one ground pole sign at the entrance to the premises. Not more than thirty-two (32) square feet in area shall be permitted with a maximum height of ten (10) feet.

(vii) All exterior lighting shall be of cut-off type to prevent off-site glare. Each tenant storage space shall be provided with separate interior lighting.

(viii) All storage shall be kept within an enclosed building.

(ix) Loading docks shall be prohibited and loading areas to storage bays shall be at the same elevation as the means of vehicular access thereto.

(f) Commercial activity: It shall be unlawful for any owner, operator or lessee of any self service storage facility or portion thereof to offer for sale, or to sell any item of personal property or to conduct any type of commercial activity of any kind whatsoever, other than leasing of the storage units, or to permit same to occur upon any area designated as a self service storage facility. Violation of this Section shall be subject to the provisions of Section 34-804 of the Hastings City Code. Any violation may be cause for revocation of the conditional use permit by the City Council.

(g) Repair, reconditioning and fabrication prohibited:

(i) Because of the danger from fire or explosion caused by the accumulation of vapors from gasoline, diesel fuel, paint, paint remover and other flammable materials, the repair, construction, or reconstruction of any boat, engine, motor vehicle, or furniture, and the storage of any propane or gasoline storage tank is prohibited within or outside any structure on a tract of land designated as a self service storage facility.

(ii) This provision shall be posted and be included in the tenant lease agreement.

(h) An approved plan shall be valid for a period of twenty-four (24) months following the date of approval by the Council. If construction has not been started within said twenty-four (24) month period, the plan shall be null and void unless the time for start of construction has been extended by the Council.

(Ord. No. 3218-6/91, 4233-11/2009 and 4294-5/2011)

(10) Standards for Detached Dwelling, Accessory.

(a) Accessory Detached Dwellings shall be limited in use to housing immediate family members who live in the principal detached dwelling located on the lot. Immediate family members shall mean either the parent(s) or child(ren) of the owner of the principal dwelling.

(b) Accessory Detached Dwellings shall be located only on lots having an area of 5 acres or greater.

(c) Accessory Detached Dwellings shall not be in a mobile home. Manufactured homes utilized for Accessory Detached Dwellings shall meet the minimum requirements set forth in Hastings City Code 34-312.

(d) Accessory Detached Dwellings shall have a minimum habitable area of 850 sq ft.

(e) Accessory Detached Dwellings shall have utility services shared with the principal detached dwelling located on the lot.

(f) Accessory Detached Dwellings shall not be larger than the principal dwelling on the lot.

(g) When an Accessory Detached Dwellings is no longer utilized by an immediate family member as defined in this section, the conditional use permit shall become null and void. The conditional use permit holder shall notify the Development Services Department in writing that the Accessory Detached Dwellings is no longer being used within 30 days of cessation of use.

(11) Standards for construction and demolition waste landfill sites.

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(a) The granting of a conditional use permit for a construction and demolition waste landfill shall constitute the City's approval of the construction and demolition waste landfill site as provided for in Nebraska Revised Statute Section 13-1701 et seq.

(b) The site for a construction and demolition waste landfill shall be located outside of the corporate limits of the City.

(c) The minimum site area for a construction and demolition waste landfill shall be twenty (20) acres, unless, due to unusual circumstances, such area requirement is reduced by the City Council.

(d) No solid waste other than construction and demolition waste may be put in a construction and demolition waste landfill.

(e) A fence, sufficient to control access and prevent airborne debris from leaving the site, shall be constructed around each portion of the construction and demolition waste landfill site being used for construction and demolition waste activities.

(f) No construction and demolition waste landfill operations shall be conducted so that fill will be placed in streambeds or other areas where water courses would be obstructed or where erosion by the stream would remove cover material.

(g) Routes used by trucks to and from the construction and demolition waste landfill shall be approved by the Director of the Public Works Division, or his designee.

(h) When mud, dirt or spilled debris accumulates on streets from trucks or from construction and demolition waste landfill equipment, it shall be removed by the person holding the conditional use permit.

(i) The conditional use permit shall provide a date by which the construction and demolition waste landfill shall be terminated or the conditional use permit renewed.

(j) The conditional use permit shall require that when the construction and demolition waste landfill has been brought up to within eighteen (18) inches of the desired grade, it shall be covered and maintained with at least eighteen (18) inches of compacted dirt and seeded in such a manner so as to prevent erosion.

(k) Within ninety (90) days following the granting of a conditional use permit, the applicant shall record with the Register of Deeds a permanent instrument notifying the public of the existence of a construction and demolition waste landfill at the site, the type, depth and location of the waste which is to be placed upon the property, as well as the existence of any monitoring systems thereon, and any restrictions on the use of the property which may be provided to protect the integrity of the final cover, liner, monitoring systems or any other components of the containment system.

(l) No site shall be approved except on a determination by the City Council that it complies with the provisions of Nebraska law, including the notice and public hearing requirements set forth in Nebraska Revised Statute Section 13-1701 et seq.

(12) Standards for recreational vehicle parks.

(a) The minimum size of a recreational vehicle park shall be two acres, except as otherwise required for the pertinent use district.

(b) Density for recreational vehicle parks shall not exceed 24 recreational vehicles per gross acre.

(c) All areas not devoted to recreational vehicle spaces, buildings, structures, drives, walks, off-street parking facilities, or other authorized installations, shall be covered with lawn grass, shrubbery, trees, or other suitable ground cover materials.

(d) The council may require suitable screening around all or any part of the site boundary.

(e) A recreational vehicle park operation shall have adequate solid waste collection facilities, which will be constructed and maintained in accordance with all municipal health regulations, and shall be designed to bar animals from access to the solid waste. Solid waste shall be removed from the park at least once a week.

(f) The recreational vehicle park shall be served by an on-site service building containing a public water supply and public toilet facilities, and by a storm shelter which, for the purposes of this section, shall mean a structure designed to withstand a 200 mile-per-hour wind, and which has a designed occupant load of no less than twenty square feet per recreational vehicle space.

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(g) Recreational vehicle parks may have accessory uses and buildings including, but not limited to, restroom and shower facilities, convenience facilities, dump stations, playgrounds, and areas for tenting.

(h) Convenience facilities of a commercial nature may include, but not be limited to, stores and laundry facilities, and shall be subject to the following:

(i) The facilities and related parking shall not occupy more than ten percent of the recreational vehicle park.

(ii) The facilities shall be located, designed, and operated for the primary purpose of serving the trade or service needs of park patrons.

(iii) In agricultural and residential mobile home districts, the facilities and any signage shall present no visible evidence of their commercial character in a manner which is apparent from any public street.

(i) Recreational vehicle parks located in agricultural (A) may have signs subject to the requirements of Hastings City Code Section 34-309(5), and recreational vehicle parks located in commercial business districts (C-3) and light industrial districts (I-1) may have signs subject to the limitations of Hastings City Code Section 34-309(6).

(13) Standards for kennels.

(a) All points on the perimeter of any kennel facility, dog run or exercise area shall be at least 100 feet from any property line.

(b) Outdoor exercise areas, runs, or yards when provided for training or exercising, shall be restricted to use during daylight hours.

(c) A site plan, drawn to scale shall be provided with the application showing all existing and proposed buildings and structures, fencing and landscaping.

(d) A narrative statement shall be provided with the application describing:

(i) The maximum total number of animals to be kept on the premises at any time.

(ii) The expected male/female mix of animals at any time.

(iii) The type of kennel enclosure including the size of the enclosures.

(iv) The type and height of fencing.

(v) The type and size of year-round shelters.

(vi) The source and location of water supply.

(vii) The sanitary maintenance plan, including provision for collection and disposal of excrement and other waste solution or material.

(viii) Lighting.

(ix) Landscaping and other visual and noise barriers.

(x) Surface drainage.

(xi) Expected weekly traffic related to the keeping of animals.

(xii) Hours of operation.

(e) The total number of animals on the premises at any one time will be established as part of the conditional use permit process.

(f) The applicant must demonstrate that:

(i) The location and operation of the kennel is appropriate for housing multiple animals and will be consistent with the health and safety of the animals and of the neighbors.

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(ii) The location of the kennel on the property will have no significant adverse effect on the peace and quiet or sanitary conditions of the neighborhood.

(iii) The kennel will be operated in a manner that it will cause no nuisance to the public.

(iv) The kennel will be operated in a safe, sanitary, and humane condition.

(14) Standards for bed and breakfast establishments.

(a) General requirements.

(i) Each bed and breakfast shall be established, maintained and operated so as to preserve and compliment the residential character and integrity of the surrounding area when the facility is established in a residential zoning district.

(ii) The bed and breakfast shall be occupied and operated by the owner as their principal residence.

(iii) The single family dwelling used as a bed and breakfast shall have a minimum of 2,000 sq. ft. in living area.

(iv) The home shall not be used by the public or paying guests for the hosting of receptions, private parties or the like.

(v) Any meals provided and any amenities connected with the guest rooms, such as a swimming pool or tennis court shall be solely for the use of the owner, the owner's family and the owner's registered guest.

(vi) There shall be no separate or additional kitchen facility for the guests.

(vii) A person who does not reside at the home shall not be employed to assist in the conduct of a bed and breakfast except as usual for a single family residence (e.g., maid, housekeeper).

(viii) A bed and breakfast must comply with all other provisions of the zoning district in which it is located and must comply with all other ordinances of the City.

(b) Guest rooms.

(i) Rooms utilized for guest rooms shall be part of the single family dwelling unless specifically approved by the conditional use permit.

(ii) A guest room shall not be located in a basement.

(iii) No more than 3 occupants per guest room shall be allowed.

(iv) Each guest room shall be equipped with a properly installed and functioning smoke detector. Further, a smoke detector shall be properly installed and functioning on or near the ceiling in the room or hallway from which each guest room exits.

(v) A fire escape plan shall be developed and graphically displayed in each guest room.

(c) Parking.

(i) The bed and breakfast will provide 2 off street parking spaces for the residence and one additional space per guest room.

(ii) Off street parking shall be developed in such a manner that the residential character of the property is preserved.

(d) Register. Every person operating a bed and breakfast residence shall keep at all times a book, to be known as the register, in which it shall be required that every person to whom a room is let shall have his, her or their name or names and address registered there in ink, along with the date on which the room was let, the date it was vacated, the correct number or other designation of the room let, and the number of the occupants assigned to the room. No page of the register may be disposed of until two years after the date of the most-recent entry recorded on it. The register shall be available to Development Services on request.

(e) Signs. Signage shall be limited to one non-illuminated wall-mounted sign not to exceed 6 square feet in area.

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(f) Application.

(i) The application shall contain:

(1) The name, address and telephone number of the owner(s) and address of proposed bed and breakfast.

(2) A plan, drawn to scale showing the floor plan of the dwelling, together with any proposed changes, renovations and additions to the dwelling.

(3) A site plan drawn to scale and including the following information:

Title of the drawing
North arrow, scale and date
Boundaries of the project site
Location of all existing or proposed site improvements, including buildings, additions, expansions, driveways, parking area, streets, retaining walls, fences and hedges
Location of all existing and proposed access and egress drives
Location, design and size of all proposed signs and outdoor lighting facilities
Location of existing and proposed buffer and screen areas, structures and vegetation

(ii) Development Services may require such additional or supportive information as it deems necessary for a complete assessment of the proposed bed and breakfast.

(g) Permit.

(i) The owner shall not make any change, deviation, modification or variation from the application and site plan once the same is approved by the City Council.

(ii) Any amendments to an approved conditional use permit shall be reviewed by the Planning Commission and approved by the City Council if found to be consistent with these standards. Minor amendments to the permit may be approved by the Development Services Director. Such administrative approval shall be limited to parking lot and landscaping improvements, exterior facade changes and signs. An appeal of the Development Services Director's denial of a requested minor change may be taken to the Planning Commission. The procedure for such appeals shall be the same as provided for amendments under Section 34-801(2).

(iii) The use is subject to review at any time and may be revoked after a hearing by the City Council and a finding by the Council that the use has become detrimental to the neighborhood.

(iv) Upon the issuance of a permit for bed and breakfast establishment, an annual inspection and certificate of compliance for the bed and breakfast shall be issued by Development Services for continued operation.

(v) An application for a certificate of compliance shall be filed with Development Services with the inspection fee as set by the current fee schedule.

(h) Review considerations. The City's review of the application and site plan shall include but not be limited to the following considerations:

Adequacy and arrangement of vehicle traffic access and circulation
Location, arrangement, appearance and sufficiency of off street parking
Location, arrangement, size and design of lighting and signs
Relationship and compatibility of proposed use to uses of adjacent parcels together with their scale
Adequacy, type and arrangement of trees shrubs, fences and other landscaping or improvement constituting a visual or noise-detering buffer between the site and adjacent or adjoining uses

Any other matter which may affect the health, welfare and safety of the community as a whole and the parcels in the immediate vicinity of the site.

(Ord. No. 3396-5/94, 3397-6/94, 3637-5/98, 3636-6/98, 3763-9/2000, 3852-3/2002, 3879-11/2002, 3947-4/2004, 4003-5/2005, 4053-12/2005, 4233-11/2009, 4294-5/2011, 4347-5/2013 and 4416-11/2014)

Article V. Mobile Home Park Regulations.

34-501. Definitions.

(1) Definitions: as used in this Chapter the following terms are specifically defined as follows:

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(a) Cul-de-sac. A minor street with a permanent turn-around at its end which turn-around has a greater diameter than the width of the right-of-way.

(b) Dead-end street. A right-of-way that terminates without a cul-de-sac or a temporary turn-round and the terminus of which has the same width as the width of the right-of-way.

(c) Duplex mobile home. A mobile home designed for occupancy of two (2) families and containing two (2) separate dwelling units.

(d) Major street. A neighborhood right-of-way designed to collect and distribute a heavy volume of traffic (in case of this Chapter, the traffic generated by one hundred (100) or more mobile home spaces).

(e) Minor street. A neighborhood right-of-way designed to carry a small amount of traffic and to provide access and service to a limited number of mobile home spaces (in the case of this Chapter, less than one hundred (100) mobile home spaces).

(f) Mobile home. A detached single or two family dwelling unit with the following characteristics:

(i) Designed for long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.

(ii) Designed to be transported after fabrication on its own wheels, on flatbeds or other trailers or detachable wheels and ready for occupancy except for minor and incidental unpacking and assembly operations and connection to utilities.

(iii) Placed upon impermanent foundation or otherwise so placed as to permit moving of the unit to another location during its usable life.

(g) Mobile home park. Any parcel or adjacent parcels of land in the same ownership which is managed for occupancy by two (2) or more mobile homes. The term does not include tourist facilities for travel trailers, campers or other recreation vehicles as defined herein.

(h) Permit. A license issued for and allowing the establishment and management of a mobile home, camper or trailer park as defined in this Chapter.

(i) Reserved for future use.

(j) Right-of-way. Land set aside for the accommodation of traffic movement, whether dedicated or not.

(k) Space. A defined land area in a mobile home park which is described by boundary lines measured in terms of:

(i) Its depth expressed as a mean distance between the front and rear of the space, measured in the general direction of the front and rear space lines.
(Ord. No. 3397-6/94 and 4233-11/2009)

34-502. Mobile home park regulations - Applicability.

Except as provided in Section 34-515, all mobile home parks within the City of Hastings shall be constructed, operated and maintained in accordance with the standards set forth in this Chapter. It shall be unlawful for any person to own or operate a mobile home park which does not meet the standards of this Chapter.
(Ord. No. 4233-11/2009)

34-503. Mobile home park annual permit required.

No person may construct, operate or maintain a mobile home park without first obtaining an annual permit in accordance with this Chapter and Chapter 35 of the Hastings City Code. The annual permit shall be posted in a conspicuous location on the premises of the mobile home park at all times. An annual inspection by the

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Development Services and Fire Department shall be approved and conducted before permits are issued on or before the May 1 deadline.
(Ord. No. 4233-11/2009)

34-504. Compliance with other laws.

Mobile home parks shall be constructed, operated and maintained in conformance with all applicable state and local statutes, ordinances, or regulations. Mobile home parks shall be inspected specifically for compliance with zoning, health, and building safety regulations prior to the issuance of the annual mobile home park permit.
(Ord. No. 4233-11/2009)

34-505. Mobile home park standards - Spaces.

(1) Space occupancy. No mobile home space shall contain more than one (1) mobile home or duplex mobile home. No other dwelling unit shall occupy a mobile home space.

(2) Minimum space requirement. All single mobile home spaces have a minimum of three-thousand (3,000) square feet of land area. A duplex mobile home space shall have a minimum of four thousand five hundred (4,500) square feet of land area.

(3) Mobile home separation. No part of any mobile home or accessory building shall be placed closer than fifteen (15) feet from any other mobile home or its addition. All mobile homes and accessory structures shall be placed at least five (5) feet from the front space line.

(4) Access. Each mobile home space shall have direct access to an internal street. Direct access to exterior public streets shall not be permitted.
(Ord. No. 4233-11/2009)

34-506. Mobile home park standards - Electrical power.

All mobile home spaces shall be serviced by 215/230 volt power supply. The electrical power supply connected to the mobile home shall be in accordance with all applicable building safety codes and with the requirements of the utility supplier.
(Ord. No. 4233-11/2009)

34-507. Mobile home park standards - Streets and storm drainage.

(1) Surface. All streets within a mobile home park shall be surfaced with asphalt or concrete to a minimum surface width of thirty-four (34) feet.

(2) Right-of-way. Any street within a mobile home park that services one hundred (100) spaces or more shall be classified as a major street. Major streets shall have a minimum right-of-way width of fifty (50) feet. All other streets shall have a minimum right-of-way width of forty (40) feet. Streets within mobile home parks are not required to be dedicated as public right-of-ways.

(3) Cul-de-sac streets. No street within a mobile home park shall dead-end except for cul-de-sac streets which are no more than six-hundred fifty (650) feet in length and having a minimum turning radius of fifty (50) feet at the termination point of the cul-de-sac.

(4) Intersections. No street within a mobile home park shall extend more than six hundred and fifty (650) feet in length between street intersections. Intersecting streets shall cross at ninety (90) degree angles from an alignment point, one-hundred (100) feet from the point of intersection. No street intersection shall be closer than one-hundred twenty-five (125) feet from any other street intersection.

(5) Street frontage. Double frontage spaces are prohibited except that reverse frontage lots may back against streets bordering the mobile home park.

(6) Street layout. Streets shall be laid out so that their use by through traffic will be discouraged.

(7) Street grades. Street grades shall not exceed six (6) percent; street grades within one hundred (100) feet of intersections shall not exceed three (3) percent.

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(8) Street curves and visibility. The radius of street curves (between intersections) shall exceed one hundred (100) feet. Streets shall be constructed to provide clear visibility as measured along a centerline of the street for minimum distance of one hundred fifty (150) feet.

(9) Drainage. All spaces and street shall be designed to ensure proper drainage. All areas of the mobile home park shall be designed to prevent the accumulation of standing ground water.

(10) Crosswalks. Pedestrian crosswalks not less than ten (10) feet in width may be required in blocks longer than three hundred thirty (330) feet when deemed essential to provide reasonable circulation or access to schools, playgrounds, shopping center, convenience establishments, service buildings or other community facilities.
(Ord. No. 4233-11/2009)

34-508. Mobile home park standards - Water and sewage.

All mobile homes in mobile home parks shall be connected to water and sewage systems approved by the City before they may be occupied.
(Ord. No. 4233-11/20090)

34-509. Mobile home park standards - Refuse.

A mobile home park operation shall provide adequate refuse collection facilities. Refuse collection facilities shall be constructed and maintained in accordance with all municipal health regulations and shall be designed to bar animals from access to refuse. Refuse shall be removed from refuse collection sites at least once a week.
(Ord. No. 4233-11/2009)

34-510. Mobile home parks standards - Fuel.

Liquified gas containers shall be securely anchored to a permanent and stable holding structure or adequately secured to a mobile home.
(Ord. No. 4233-11/2009)

34-511. Mobile home park standards - Tie down and storm shelters.

Mobile park operator shall provide tie down anchors for each mobile home space within the park and suitable storm shelter facilities within the park adequate to accommodate all of the residents.
(Ord. No. 4233-11/2009)

34-512. Reserved.

(Ord. No. 4233-11/2009)

34-513. Convenience establishments.

Convenience establishments of a commercial nature, including stores, coin-operated laundry and dry cleaning establishments and laundry and dry cleaning agencies, beauty shops and barber shops may be permitted in mobile home parks subject to the following restrictions: Such establishments and the parking area primarily related to their operations shall not occupy more than ten (10) percent of the area of the park, shall be subordinate to the residential use and character of the park, shall be located, designed and intended to serve frequent trade or service needs of persons residing in the park, and shall present no visible evidence of their commercial character from any portion of any district outside the park. Such convenience areas shall be considered accessory uses to the principal use of mobile homes, may be permitted without a zoning change and shall be discontinued if the mobile home park is discontinued.
(Ord. No. 4233-11/2009)

34-514. Construction standards and responsibility.

Complete responsibility for standards established by this Chapter and for construction within a mobile home park shall rest with the owner of such park.
(Ord. No. 4233-11/2009)

34-515. Nonconforming mobile home parks.

(1) Mobile home parks shall be subject to the permit requirement set forth in Section 34-503 of this Chapter.

(2) Mobile home parks licensed prior to December 1, 1988, are not subject to the requirements of Sections 34-505 through 34-508 of this Chapter. They shall continue to be licensed based on the requirements of Chapter 38 of

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the Hastings City Code and the terms and conditions set forth in their Special Use Permit. Thereafter, said parks shall have a period of two (2) years in which to comply with the above listed provisions.

(3) All mobile home parks shall comply with all provisions of this Chapter except for those sections specifically exempted in Section 34-515 (2) above.

(4) Any mobile home park exempt from certain sections of this Chapter as provided in sub-sections 2 and 3 hereof shall conform to all sections of this Chapter within any area first constructed, operated or maintained after the date which this Section was initially enacted or within any area which is substantially altered, remodeled, reconstructed, or rebuilt after that date.

(Ord. No. 4233-11/2009)

Article VI. Nonconformities.

34-601. Intent.

Within the districts established by this ordinance or amendments that may later be adopted there may exist lots, structures, uses of land and structures, and characteristics of use which were lawful before the effective date of this ordinance, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendments. It is the intent of this ordinance to permit these nonconformities to continue until they are removed, but not to encourage their perpetuation. It is further the intent of this ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district. Nonconforming uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. A nonconforming use of land or structure, or a nonconforming use of structure and land in combination shall not be extended or enlarged after passage of this ordinance by the addition of other uses of a nature which would be prohibited generally in the district involved. To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding on the same properties, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

(Ord. No. 4233-2009)

34-602. Nonconforming lots of record.

(1) In any district, notwithstanding limitations imposed by other provisions of this Chapter, permitted principal uses and structures, and accessory buildings may be erected on any single lot of record before the effective date of the adoption of this Chapter. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district.

(2) If two (2) or more lots, or combination of lots and portions of lots with continuous frontage in single ownership are of record at the effective date of this ordinance which makes any or all of the existing lots non-conforming as to lot width or area, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance, and no portion of said parcel shall be used or sold which does not meet lot area and width requirements established by this ordinance. No division of the parcel shall be made which leaves remaining any lot in single ownership with width or area below the requirements of this ordinance; provided, however, that if a series of two or more lots or portions of lots are in single ownership and can be used or subdivided in such a manner that complies with this section of the code, each may be used as an individual lot.

(3) Within any base zoning district, there may exist legally platted lots of record, which, due to zoning changes subsequent to the time said lots were platted, no longer conform to the requirements of the district in which they are located, as to the width, area or depth requirements. The owner of any such single lot may erect any use allowed by the base zoning district, notwithstanding any such non-conformity, so long as the lot can comply with all other development regulations applicable to the district in which the lot is located. In those districts permitting two (2) or more family dwellings per lot, a non-conforming lot of record shall be limited to a single family dwellings structure. For the purposes of this subsection, a single non-conforming lot is defined as any lot of non-conforming width, area, or depth that is filed of record at the Adams County Courthouse Register of Deeds Office as of the effective date of the zoning ordinance.

(4) If a portion of a legally existing lot in any district is acquired for public use, the remainder of this lot shall be considered a conforming lot and the lot shall meet all development regulations required by the base zoning district.

(Ord. No. 4233-11/2009, 4443-6/2015)

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34-603. Nonconforming uses of land.

(1) Where at the time of passage of this ordinance lawful use of land exists which would not be permitted by the regulations imposed by this Chapter, and where such use involves no individual structure other than small or minor accessory buildings as determined by the Development Services Department, the use may be continued so long as it remains otherwise lawful, provided:

(a) No such nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of the adoption of this Chapter.

(b) No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of the adoption of this Chapter.

(c) If any such nonconforming use of land ceases for any reason for a period of more than two (2) years, any subsequent use of land shall conform to the regulations specified by this Chapter for the district in which such land is located. Said cessation shall be deemed to be presumptive evidence of abandonment.

(d) No additional structure not conforming to the requirements of this Chapter shall be erected in connection with such nonconforming use of land.

(e) Discontinuance. The lawful use of a lot of record for storage or advertising signs, and which contains no buildings, and which use for storage or signs is not permitted by this Chapter or by an amendment thereto, shall be discontinued within two (2) years from August 26, 1968 or the date of the adoption of this Chapter.
(Ord. No. 4233-11/2009)

34-604. Nonconforming structures.

(1) Where a lawful structure exists at the effective date of adoption or amendment of this Chapter that could not be built under the terms of this Chapter by reason of restrictions on area, lot coverage, height, yards, location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

(a) Except as described in Section 34-604 (1) (f), no such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.

(b) Should such nonconforming structure or nonconforming portion of structure be damaged by any means to an extent of more than sixty (60) percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Chapter.

(c) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

(d) Additions to existing nonconforming single family residential structures. Nothing in these regulations shall prevent the issuance of a permit to expand an existing nonconforming single family residential structure located in a residential zoning use district, providing the addition conforms to the use, setback, height, parking and other regulations applicable to the residential district in which the building is located.

(e) Nothing in this section shall prevent the expansion or alteration of an existing structure which has a non-conforming setback (minimum yard) resulting from a governmental taking action, provided the addition conforms to the use building setback, building height, parking and other regulations applicable to the district in which the building is located.

(f) Additions to such structure may be constructed in conformance with all of the following restrictions:

(i) Such addition must be an addition to a single family dwelling;

(ii) The addition may continue along the existing building line of the structure as it existed at the time of the application for a building permit for said addition, provided that the addition may not reduce the distance between the lot line and the building line from that which existed at the time of the application for a building permit for said addition;

(iii) The addition may not encroach into any required side, front or back yard setback when there was no such encroachment by the original structure at the time of the application for a building permit for said addition;

(iv) The addition may not be constructed closer than 3 feet to any lot line;

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(Ord. No. 3446-1/95 and 4233-11/2009)

34-605. Nonconforming uses of structures.

(1) If lawful use involving individual buildings or structures, or of structure and premises in combination, exists at the effective date of adoption or amendment of this ordinance that would not be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

(a) The lawful use of a building existing on August 26, 1968 may be continued although such use does not conform to the provisions of this Chapter. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of a more restrictive classification, or to a conforming use, such use shall not thereafter be changed to a nonconforming use of less restrictive classification.

(b) Whenever the use of a building becomes nonconforming through an amendment to this chapter or zoning district map, such use may be continued and if no structural alterations are made, it may be changed to another nonconforming use of a more restrictive classification.

(c) A nonconforming use of a building may not be enlarged, extended, nor may the building be reconstructed, or altered unless such use is made to conform to the regulations of the district in which it is located.

(d) Any structure and premises, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the use regulations for the district, and the nonconforming use may not thereafter be resumed.

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

(f) In the event that a nonconforming use of any building or premises is discontinued, or its normal operation stopped, for a period of two (2) years, the use of the same shall thereafter conform to regulations of the district in which it is located, except that no time shall be considered against said two (2) year time period if it is caused by government action impeding access to the premises.

(Ord. No. 4233-11/2009)

34-606. Repairs and maintenance.

On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement on non-bearing walls, fixtures, wiring, or plumbing, to an extent not exceeding ten (10) percent of the current replacement cost of the nonconforming structure or nonconforming portion of the structure as the case may be. Nothing in this Chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

(Ord. No. 4233-11/2009)

34-607. Mapping of future nonconformities.

Upon the effective date of the Ordinance adopted September 26, 2010, all future amendments to the zoning map which include nonconforming structures, land or use of structures created as a result of the amendment shall be mapped. Mapping shall be accomplished within ninety (90) days of the adoption of said Ordinance, and any amendment thereto, and shall be kept current by the Development Services Director as conditions change.

(Ord. No. 4233-11/2009)

34-608. Uses under conditional use permit provisions not nonconforming use.

A use existing before the effective date of this Chapter which is permitted as a conditional use in a district under the terms of this ordinance shall not be deemed a nonconforming use in such district, but shall without further action be considered to have been granted a conditional use permit for all structures and uses existing on the property at the time of adoption of this Chapter.

(Ord. No. 4233-11/2009)

34-609. Cessation of automobile wrecking yards, salvage yards and junk yards.

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Any automobile wrecking yard, salvage yard or junk yard in existence in any residential district after the effective date of adoption of this chapter shall, at the expiration of three years from such date, become a prohibited and unlawful use and shall thereafter be discontinued.

(Ord. No. 4233-11/2009)

34-610. Nonconforming parking, loading, signs or other characteristics of use.

If the characteristics of a use, such as signs, off-street parking, off-street loading, lighting, or other matters required by this Chapter in relation to specified uses of land, water areas, structures or premises, are not in accord with the requirements of this Chapter, no change shall be made in such characteristics of use which increases nonconformity with such requirements. Change shall be permitted in the direction of conformity to these requirements of this Chapter.

(Ord. No. 4233-11/2009)

34-611. Continuity of prior special use permits and variances.

Any valid special use permit or variance granted prior to enactment of this Chapter shall be permitted to continue in accordance with such special use permit or variance.

(Ord. No. 4233-11/2009)

Article VII. Administration, Enforcement and Appeals.

34-701. Administration.

The City Planning Director or his duly authorized representative shall be responsible for processing all applications required to be reviewed by the Planning Commission, the Hastings City Council and the Board of Adjustment under the terms of this Chapter. The City Development Services Director or his authorized representative shall have the power to enforce the provisions of this Chapter, including any conditions approved by the City Council or by the Board of Adjustment when approving conditional use permits, or planned district rezonings. He shall be provided the assistance of the City Attorney, Planning Director, City Engineer and such other City officials and employees as may be necessary to carry out these duties.

(Ord. No. 4233-11/2009)

34-702. Permits required.

No building or other structure shall be erected, constructed, reconstructed, moved, nor shall there be any alteration, as defined in Section 34-103, without first obtaining a permit from the Building Inspector, to be issued in accordance with the terms of this Chapter. Applications for permits shall be filed with the Development Services Director upon forms prescribed by him, setting forth among other things, the legal description of the lot, tract or parcel of land, together with a general description of the building or structure to be constructed, erected or altered thereon, including the approximate size, shape and location of the building or structure upon the lot, tract or parcel and the intended use. No such permit shall be issued for any building, structure or construction unless the same is in conformity in every respect with all the provisions of this Chapter. The Development Services Director shall be empowered to act within the provisions of this Chapter upon and shall approve or deny all applications for permits. In the event of refusal to issue a permit upon an application, as herein provided, the applicant may perfect an appeal to the Board of Adjustment, as provided in Section 34- 706. For each application there shall be charged and collected from the applicant, a nonrefundable fee, in accordance with a schedule of fees approved by the City Council. There shall be a separate permit for each building or structure to be erected, constructed, reconstructed, moved or altered.

(Ord. No. 4233-11/2009)

34-703. Revocation of permits.

A permit may be revoked by the Development Services Director at any time prior to the completion of the building or structure for which the same was issued, when it shall appear that there is a departure from the plans, specifications, or conditions as required under terms of the permit, that the same was procured by false representation or was issued by mistake, or that any of the provisions of this Chapter are being violated. Revocation shall be in the form of a written notice to the property owner or his authorized representative and the posting of the property with a notice to stop work. No unauthorized work is to take place on the property immediately from and after the posting of notice to stop work. Any unauthorized work or removal of the notice to stop work by any person other than the Development Services Director or his authorized representative shall constitute a violation of this Chapter.

(Ord. No. 4233-11/2009)

34-704. Certificate of compliance.

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Subsequent to the effective date of this Chapter, no change in the character of use or in the occupancy classification of land or of a building shall be made, nor shall any new building be occupied, until approved by the Development Services Director. Every certificate shall state that the new occupancy complies with all provisions of this Chapter. No permit for excavation for, or the erection or alteration of, any building shall be issued before the application has been approved for compliance, and no building or premises shall be occupied until such certificate is issued. A certificate shall be required for all lawful nonconforming uses of land or buildings created on or after August 26, 1968. Application for such certificates for nonconforming uses shall be filed with the Development Services Director by the owner or lessee of the land or building occupied by such nonconforming use within two (2) years from August 26, 1968. It shall be the duty of the Development Services Director to issue a certificate for a lawful nonconforming use, but failure to apply for such certificate for nonconforming use or failure of the Development Services Director to issue such certificate of nonconforming use, shall be considered evidence that such nonconforming use did not lawfully exist on August 26, 1968. A record of all certificates shall be kept on file in the office of the Development Services Director, and copies shall be furnished on request to any person having a proprietary or tenancy interest in land or building affected by such certificate of occupancy. (Ord. No. 2255, Sec. 1. And 4233-11/2009)

34-705. Board of Adjustment.

In accordance with the provisions of Nebraska State Statutes Section 19-907 there is hereby established a Board of Adjustment, hereinafter referred to as the Board. The Board shall consist of five (5) regular members plus one (1) additional member designated as an alternate who shall attend and serve only when one of the regular members is unable to attend or serve for any reason, each to be appointed for a term of three (3) years and removable for cause by a majority of the elected members of the City Council upon written charges and after a public hearing. Vacancies shall be filled for the unexpired term of any office becoming vacant. Only one (1) member of the Board shall be appointed from the membership of the Planning Commission and the loss of membership on the Planning Commission by such member shall also result in his immediate loss of membership on the Board and require the appointment of another Planning Commissioner to the Board. The Board shall adopt rules for the conduct of its meetings.

(1) Meetings of the Board shall be scheduled on a regular monthly basis. Special meetings may be held at the call of the chairman or in his absence, the vice chairman. The chairman or in his absence the vice chairman may compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicate such fact and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Development Services Department and shall be a public record. (Ord. No. 4233-11/2009)

34-706. Powers and duties.

The Board of Adjustment shall in accordance with the provisions of Nebraska Revised Statutes, Section 19-910, have only the following powers:

(1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official or agency based on or made in the enforcement of any zoning regulation relating to the location of structures.

(2) To hear and decide, in accordance with the provisions of this Chapter, requests for interpretation of this Chapter or the official Zoning Map.

(3) Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the zoning regulations, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any enacted regulation under this Chapter would result in peculiar and exceptional practical difficulties to or exceptional and undue hardships upon the owner of such property, to authorize, upon an appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardship, if such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Chapter.

(4) No such variance shall be authorized by the Board unless it finds that all four of the following conditions have been found to exist and the merits of the situation support such authorization.

(a) The strict application of the zoning regulations would produce undue hardship.

(b) Such hardship is not shared generally by other properties in the same zoning district and the same vicinity.

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(c) The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance.

(d) The granting of such variance is based upon reason of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit or caprice. In no instance, shall a variance be granted which would allow the use of land or a building which is not permitted within the zoning use district in which the property is located. No variance shall be authorized unless the Board finds that the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the zoning regulations.

In exercising the above mentioned powers, the Board may, in conformity with the provisions of Sections 19-901 to 19-915 of the Nebraska Revised Statutes, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any regulation or to effect an variation in such regulation.

(Ord. No. 4233-11/2009)

34-707. Planning Commission.

The City Planning Commission shall consist of nine (9) members plus an alternate appointed by the Mayor and confirmed by the City Council. Each member shall be appointed for a three (3) year term and shall hold office until reappointed or until a successor member shall have been appointed. In the event of a vacancy, a successor shall be appointed for the remaining unexpired term of the Commission member being replaced. The alternate member shall only serve during the absence or inability of one of the nine (9) regular members of the Planning Commission and vote on a matter before the Commission. The Planning Commission shall exercise those powers and duties required of a city plan or planning commission under Nebraska state statute and the Hastings City Code. The Commission shall be provided the assistance of the City Attorney, the Planning Director, the City Engineer and such other City officials and employees as may be necessary to carry out their duties.

(Ord. No. 3563-11/96 and 4233-11/2009)

34-708. Hastings City Council.

The Hastings City Council is the legislative body for the City of Hastings. The City Council shall perform all statutory legislative planning functions required of cities of the first class under the Nebraska Revised Statutes.

(Ord. No. 4233-11/2009)

34-709. Development Services Department.

The Development Services Department is responsible for reviewing all applications required under this Chapter, submitting a report to the Commission on all such applications and presenting a written report to the Hastings City Council on all recommendations of the Planning Commission on any planning matters within the City's jurisdictional limits.

(Ord. No. 4233-11/2009)

Article VIII. Amendments, Fee Schedule and Legal Provisions.

34-801. Amendments and procedures.

(1) Amendments to the zoning map, the text of this Chapter or any part of the Comprehensive Plan, may be initiated in the following manner.

- (a) By motion and majority vote of the Hastings City Council.
- (b) By motion and majority vote of the Planning Commission.
- (c) By petition of the record owner(s) of the property involved or his/her agent.

(i) Individuals, other than attorneys at law acting as an agent for a property owner(s), shall submit a notarized statement from the property owner(s) authorizing said individual to act as their agent.

(ii) Agency authorization shall be required when submitting any application required under this Chapter, applications for a conditional use permit, a variance, an appeal from an administrative decision, or for an interpretation of the zoning ordinance or zoning map.

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(d) Amendments to the text of the zoning ordinance or the comprehensive plan, may also be initiated by any interested person(s), the City Attorney or the Planning Director.

(2) Amendment procedure.

(a) Petitions for amendments set forth in Section 34-801 (1) of this Chapter, shall be submitted to the Development Services Department a minimum of fifteen (15) working days prior to the next regularly scheduled monthly meeting of the Planning Commission on forms prescribed by the Planning Commission and filed with the Development Services Department.

(b) The Development Services Department shall note on the application the date it was filed and make a permanent record of all the information and documents.

(c) All such applications shall be scheduled public hearing at the first meeting of the Planning Commission held a minimum of three (3) weeks (15 working days) following the date the application is filed with the Development Services Department. Any such hearing may for good cause or otherwise be continued to a specific time and date, following a motion and majority vote of the Commission. The Commission at its discretion, may also for good cause, continue any hearing to a specific time and date, provided the applicant shall have first agreed to such continuance. Without the concurrence of the applicant, the Commission shall be required to render its decision on the application during the same meeting at which time the hearing is held.

(d) Notice of the hearing shall be published not less than ten (10) days prior to the date of the public hearing.

(e) In addition to the published notice herein described, a notice shall be posted in a conspicuous place on or near the property on which action is pending. Such notice shall not be less than eighteen (18) inches in height and twenty-four (24) inches in width with a white or yellow background and black letters not less than one and one-half (1 1/2) inches in height. Such posted notice shall be so placed upon such premises that it is easily visible from the street nearest the same and shall be so posted at least (10) ten days prior to the date of the scheduled planning hearing. The posted notice shall also include the tentative date for the City Council hearing and include a statement that in the event of any changes in dates, notice will be posted on the bulletin board in the City offices. It shall be unlawful for anyone to remove, mutilate, destroy or change such posted notice prior to such hearing. Any person so doing shall be deemed guilty of a misdemeanor.

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

(g) Before Council action upon any application for amendment or conditional use permit, the City Clerk shall set a time and place for a hearing thereon, notice of which hearing shall be published at least one time in a newspaper of general circulation in the City, ten (10) days prior to the date of such hearing. In addition to the publication of notice herein described, a notice shall be posted in a conspicuous place on or near the property on which action is pending. Such notice shall not be less than eighteen (18) inches in height and twenty-four (24) inches in width with a white or yellow background and black letters not less than one and one-half (1 1/2) inches in height. Such posted notice shall be so placed upon such premises that it is easily visible from the street nearest the same and shall be so posted at least ten (10) days prior to the date of such hearing. It shall be unlawful for anyone to remove, mutilate, destroy or change such posted notice prior to such hearing. Any person so doing, shall be deemed guilty of a misdemeanor.

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

(3) Protest procedure. In case of a protest against an amendment, revision or change or in case of a protest against a conditional use permit, such protest must be presented, duly signed and acknowledged by the owners of twenty (20) percent or more either of the area of the lots included in such proposed change or of those immediately adjacent on the sides and in the rear thereof, extending three hundred (300) feet therefrom and of those directly opposite thereto, extending three (300) hundred feet from the street frontage of such opposite lots. Such revision or amendment shall not become effective except by the favorable vote of three fourths (3/4) of all the members of the City Council.

(Ord. No. 2255, Sec. 1; Ord. No. 2432, Sec. 1; Ord. No. 2438, Sec. 1 and 4233-11/2009)

34-802. Conditional use permit procedure.

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The procedure for submitting an application for a conditional use permit shall be the same as that required for an amendment set forth in Section 34-801 (2) (a) through (h) of this Chapter. The specific application content requirements for a conditional use permit are set forth in Section 34-403 of this Chapter.
(Ord. No. 4233-11/2009)

34-803. Other amendments.

Amendments to the comprehensive plan, zoning regulations, building code or other regulations adopted under the authority of Sec. 19-924 through 19-929 and Sec. 19-901 through 19-922, Nebraska Revised Statutes; shall follow the same procedure set forth in Sec. 34-801 (2) (a) through (g) of this Chapter except that it shall not be required that the affected property be posted.
(Ord. No. 4233-11/2009)

34-804. Violations and penalties.

The owner or agent of a building or premises in or upon which a violation of any provision of this Chapter has been committed or shall exist, or the lessee or tenant of an entire building or premises in or upon which a violation has been committed or shall exist, or the agent, architect, building contractor or any other person who commits, take part in or assists in any violation or who maintains any building or premises in or upon which such violation shall exist, shall be guilty of a misdemeanor and shall be punished by a fine not to exceed one hundred dollars (\$100.00). Each and every day that such violation continues after notification is delivered to said person by depositing the same in the U.S. mail postage prepaid, shall constitute a separate offense. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained or any building, structure, or land is used in violation of this Chapter, the appropriate authorities of the City in addition to other remedies may institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use or to correct or abate such violation or to prevent the occupancy of said building, structure, or land.
(Ord. No. 4233-11-2009)

34-805. Enforcement.

It shall be the duty of the Development Services Director to enforce the provisions of this Chapter. He shall be provided the assistance of the City Attorney, the Chief of Police, the Planning Director and such other City officials and employees as may be required to carry out his duties.
(Ord. No. 4233-11/2009)

34-806. Savings clause.

This Chapter shall in no manner affect pending actions, either civil or criminal, founded on or growing out of any Chapter, or part of any ordinance hereby repealed; this Chapter shall in no manner affect rights or causes of action, either civil or criminal, nor in suit that may have already occurred or grown out of any ordinance or part of any ordinance hereby repealed.
(Ord. No. 4233-11/2009)

34-807. Interpretation, purpose and conflict.

In interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity and general welfare. It is not intended by this Chapter to interfere with or abrogate or annul any easements, covenants, or other agreements between parties, except that if this Chapter imposes a greater restriction, this Chapter shall control.
(Ord. No. 4233-11-2009)

34-808. Fees.

The fees required for application submitted under this Chapter shall be adopted by separate resolution of the Hastings City Council. The fee schedule should include, but not be limited to the following:

- (1) Application for rezoning of land.
- (2) Application for amendment to the text of the Zoning Code.
- (3) Application for a conditional use permit.
- (4) Application for a variance.
- (5) Appeal from an administrative action or determination.

Zoning

(6) Application for amendment to the comprehensive plan.

(7) Application for planned district rezoning.
(Ord. No. 4233-11/2009)

34-809. Severability.

If any section, subsection, sentence, clause, or phase of this Chapter is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Chapter.
(Ord. No. 4233-11/2009)