

ORDINANCE NO. 4824

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, TO AMEND CHAPTER 54 ARTICLES I-III, ENACT ARTICLES IV-XI OF THE OFFICIAL CITY CODE OF THE CITY OF HASTINGS, AND REPEAL CHAPTER 34 OF THE 2020 EDITION, OF THE OFFICIAL HASTINGS CITY CODE DEALING WITH ZONING AND LAND USES; TO PROVIDE THAT ANY ORDINANCES OR PROVISIONS INCONSISTENT HERewith ARE HEREBY REPEALED; TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE; AND RELATED MATTERS.

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

Section 1. That Chapter 54 Articles I-III of the Official City Code of the City of Hastings, Nebraska, be and the same are hereby amended to read as shown on the attached Exhibit "1".

Section 2. That Chapter 54 Articles IV-XI of the Official City Code of the City of Hastings, Nebraska, be and the same are hereby enacted to read as shown on the attached Exhibit "2".

Section 3. That Chapter 34 of the 2020 Edition of the Official City Code of the City of Hastings, Nebraska, be and the same is hereby repealed.

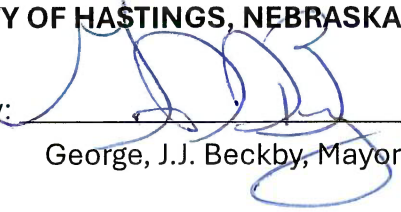
Section 4. Any ordinance passed and approved prior to the passage, approval, and publication or posting of this ordinance and in conflict with its provisions is repealed.

Section 5. This Ordinance shall be published in the manner and form provided by law and shall take effect and be in full force from and after its due passage, approval, and publication in electronic form.

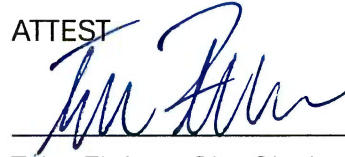
Section 6. The provisions of this ordinance are separable, and the invalidity of any phrase, clause or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

PASSED AND APPROVED this 12th day of January, 2026.

CITY OF HASTINGS, NEBRASKA

By: 
George, J.J. Beckby, Mayor

ATTEST



Tyler Ficken, City Clerk



Approved as to form:



Jesse Oswald, City Attorney

Exhibit “1”

Chapter 54 - ZONING ORDINANCE ARTICLE I. - GENERAL

Sec. 54-101. - 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)

Sec. 54-102. - 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)

Sec. 54-103. - 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 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.

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 persons who are unrelated for the purpose of this title. The following persons shall be considered related for the purpose of this title:

- (1) A person residing with a family for the purpose of adoption.
- (2) Not more than six persons under 19 years of age, residing in a foster home licensed or approved by the State of Nebraska.
- (3) Not more than three persons 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.
- (5) A person residing with a family for the purpose of adoption.
- (6) Not more than six persons under 19 years of age, residing in a foster home licensed or approved by the State of Nebraska.
- (7) Not more than three persons 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.
- (8) Any person who is living with a family at the direction of a court.

Fence. See Section 54-705 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 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 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 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 non-intersecting streets as distinguished from a corner lot.

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

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

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

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

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

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

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

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

Lot of record. A lot which is part of a subdivision, the plat of which has been recorded in the office of the Register of Deeds for Adams County on or before August 26, 1968 unless another date is specifically established in this chapter, provided that said lot has a frontage of not less than 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 by 20 feet.

Parking lot. A parking area with six 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 platted lot or irregular tract, or more than one platted lot or irregular tract, provided such lots or tracts are under common ownership and abutting each other.

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

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

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

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

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 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 opposite exterior walls are not more than two feet above the floor of such story.

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

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

Street centerline. A line midway between street lines.

Street commercial area. A developed business frontage along a street and no more than 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 20 percent.

Yard. A required open space on the same lot unoccupied and unobstructed by any structure or portion of a structure from 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)

Sec. 54-104. - Descriptions and categories of uses.

The following categories and descriptions of specific uses of land and buildings correspond to the Use Table 54-200. 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.

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" (three-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 first story and less than 50 percent 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 first 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.

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 54-711](#) 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 54-711 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.

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 an 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 54-702.

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 two fuel pump islands and no more than eight 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 four 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 four fuel pump islands and more than 16 fueling

stations.

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

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

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

Child care, home. A service use wherein there is provided for up to eight 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 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 animal limit. A veterinary clinic shall not be considered to be a kennel for purposes of this chapter.

Lodging, bed and 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 12 sleeping rooms, and no provisions for cooking in individual rooms.

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

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

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

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

Nursing home/assisted living. Any structure used or occupied by persons recovering from illness or suffering from infirmities of old age in a group care setting.

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

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

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

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

(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 54-702.

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 ten 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 and 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 ¼ 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 ½ 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 one 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 one mile radius for its on-premise sales.

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 one 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 one-mile radius.

Supermarket (> 45,000[K]). 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 one-mile radius.

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

Outdoor entertainment and recreation business. A service use where facilities for outdoor sports, entertainment, or similar recreation opportunities for participants or spectators are offered as a business. Examples include 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 ten percent 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 four 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 percent 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 two 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.

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 ten 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 and preparation of plants or other products of the land for distribution and sale as raw material in some other manufacturing process.

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

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

(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)

Sec. 54-105. - District map adopted; interpretation of district boundaries.

Boundaries of the districts, as enumerated in Section 54-107, are hereby established as shown on a map prepared for that purpose, which map is hereby designated as the zoning district map. Said zoning district map reflects the zoning as of June 4, 2004, and all the notations, references and information shown thereon is hereby made as much a part of these regulations as if the same were set forth in full herein. The extraterritorial jurisdiction of the City is shown on the two mile area zoning map shows the extra territorial zoning jurisdiction of the City as of July 12, 2004, and all the notations, references and information shown thereon is hereby made as much a part of these regulations as if the same were set forth in full herein. The Planning Commission shall keep on file in the office of the Development Services Director, an authentic copy of said maps, and all changes, amendments or additions thereto.

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

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

Whenever any street or alley is vacated, the particular district in which the adjacent property lies shall be automatically extended to apply to that portion of the vacated street or alley.

(Ord. No. 3961-8/2004 and 4233-11/2009)

Sec. 54-106. - 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)

Sec. 54-107. - 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 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.

- (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.
- (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 II. 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)

Sec. 54-108. - 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

Secs. 54-109—54-199. - Reserved.

	A	R-1	R-1A	R-1S	R-2	R-3	C-O	C-1	C-2	C-3	CMP	I-1	I-2
Civic Uses													
Assembly, Neighborhood	P	P	P	P	P	P	P	P	P	P	P	P	P
Assembly, Community							P	P	P	P	P	P	P
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
Public Museum or Library	P	P	P	P	P	P	P	P	P	P	P	P	P
School, Elementary	P	P	P	P	P	P	P	P			P		
School, Secondary	R	R	R	R	R	R	R	R			P		
School, College or University	P					P					P		
Recreational Vehicle Park	C									C		C	C
Recreational Vehicle, Temporary	R									R		R	R
Temporary Structure	P	R	R	R	R	R			P	P	P	P	P

	A	R-1	R-1A	R-1S	R-2	R-3	C-O	C-1	C-2	C-3	CMP	I-1	I-2
Service Uses													
Adult Care, Home	P	P	P	P	P	P	P	P	P	P	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	P		
Child Care Facility					R	R	P	P	P	P	P	P	P
Halfway House, Quasi-Institutional	P	P	P	P	P	P	P	P	P	P			
Kennel, Commercial	C									P		P	P
Lodging, Bed and Breakfast	C	C	C	C	C	C	C	C	C				

	A	R-1	R-1A	R-1S	R-2	R-3	C-O	C-1	C-2	C-3	CMP	I-1	I-2
Service Uses													
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	P	P	C	P	P		
Off-Street Parking Spaces/Structures							C	C	C	C	C	C	C
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

	A	R-1	R-1A	R-1S	R-2	R-3	C-O	C-1	C-2	C-3	CMP	I-1	I-2
Employment Uses													
Home Occupation	R	R	R	R	R	R	R	R	R	R			
Office, Limited						C	P	P	P	P	P	P	P
Office, Small							P	P	P	P	P	P	P
Office, General								C	P	P	P	P	P
Office Complex/Campus									C	P	P	P	P
Commercial and Retail Uses													
Convenience Retail, Automobile (<5,000 sf)							C			P	P	P	P
Convenience Retail, Corner Store (<2,000 sf)							P	P	P	P	P	P	P
Neighborhood Retail (<5,000 sf)								P	P	P	P	P	P
General Retail (5,000 sf – 20,000 sf)									P	P	C	P	P
Large-Scale Retail (20,000 sf – 100,000 sf)									C	P	C	P	P
Warehouse Retail (>100,000 sf)										P		P	P

	A	R-1	R-1A	R-1S	R-2	R-3	C-O	C-1	C-2	C-3	CMP	I-1	I-2
Commercial and Retail Uses													
Neighborhood Grocery (<45,000 sf)								P	P		P		
Supermarket (>45,000 sf)										P	C	P	P
Indoor Entertainment & Rec. Business									P	P	C	P	P
Outdoor Entertainment & Rec. Business	C								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
Mobile Vendor, Temporary									R	R	R	R	R
Outdoor Market (Farmers Market)									P				
Restaurant								P	P	P	P	P	P

	A	R-1	R-1A	R-1S	R-2	R-3	C-O	C-1	C-2	C-3	CMP	I-1	I-2
Public Service Uses													
Public Utility Plant	C											C	C
Public Utility Sub-station	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
Large Scale Wind Generator (Wind Farms)	C											C	C
Telecommunication Facilities and Support Structures	P	P	P	P	P	P	P	P	P	P	P	P	P
1 = Permitted by right subject to general district standards 2 = Permitted with a Conditional Use Permit subject to discretionary review by Planning Commission and City Council 3 = Permitted subject to specific use standards													

(Ord. No. 4233-11/2009, 4309 -10/2011, 4347 -5/2013, 4354 -7/2013)

Sec. 54-200.01. - AHO 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) *[Permit.]* 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 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 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.
- (t) Nursing home/assisted living.
- (g) Charitable clubs and organizations.
- (h) Lodging, hotels, motels and boarding houses.
- UJ 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} *Frontyard*-25 feet. Shall be 50 feet if adjacent to county road or state highway.

{ii} *Side yard*-Ten feet.

(iii) *Rear yard*-25 feet.

(8) *[Facades.]* All metal and fabricated buildings shall have a facade 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.

(9) *[Landscaping.]* Landscaping shall be provided on all commercially used properties to include sod, at least two trees per street frontage covering a minimum of ten percent 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)

Sec. 54-201. - 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 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 54-200.

(3) *Minimum lot requirements.*

(a) *Lot area-Five* acres (Un-platted parcels may include one-half of abutting road).

(b) *Lot width-100* lineal feet.

(4) *Minimum yard requirements.*

(a) *Frontyard-50* feet.

(b) *Side yard-There* shall be a side yard on each side of a building not less than 15 percent of

the width of the lot: except, that such side yard shall be not less than 15 feet and need not be more than 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.

(d) The setback from a livestock feed operation (LFO) as authorized by a conditional use permit, to any non-farm dwelling, other residence or other LFO is outlined in Table 404-1 in Section 54-404(15).

(5) *Minimum dwelling size.*

(a) 650 square feet of living floor area.

(6) *Maximum lot coverage.*

(a) Maximum lot coverage by all buildings shall not exceed 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 the height of the principal structure by more than 25 percent.

(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; Ord. No. 4619, § 1, 2-10-2020)

Sec. 54-202. - R-1 Urban Single Family Residential Districts.

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

(2) *Allowed uses.* See Table 200-1 in Section 54-200.

(3) *Minimum lot requirements.*

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

(b) *Lot width*-70 ft.

(4) *Minimum yard requirements.*

(a) *Frontyard*-25 ft.

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

Buildings on corner lots shall provide a side yard on the street side of not less than 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 35 feet.

(c) *Rear yard*-The depth of the rear yard shall be at least 20 percent of the depth of the lot, but such depth need not be more than 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) 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 percent.

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

Sec. 54-203. - 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 54-200.

(3) *Minimum lot requirements.*

(a) *Lot area*-20,000 sq. ft.

(b) *Lot width*-100 ft.

(4) *Minimum yard requirements.*

(a) *Frontyard*-35 ft.

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

Buildings on corner lots shall provide a side yard on the street side of not less than 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 65 feet.

(c) *Rear yard*-The depth of the rear yard shall be at least 20 percent of the depth of the lot, but such depth need not be more than 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) 650 square feet of living floor area.

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

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

(7) *Maximum height of structures.*

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

(b) The maximum height of an accessory structure shall not exceed the height of the principal

structure by more than 25 percent.

(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)

Sec. 54-204. - 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 54-200.
- (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) *Frontyard*-35 ft.
 - (b) *Side yard*-There shall be a side yard on each side of a building not less than ten percent of the width of the lot; except that such side yard shall not be less than ten feet, and need not be more than 25 feet.

Buildings on corner lots shall provide a side yard on the street side of not less than 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 65 feet.
 - (c) *Rear yard*-The depth of the rear yard shall be at least 20 percent of the depth of the lot, but such depth need not be more than 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) 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 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 percent.

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

Sec. 54-205. - 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.

- (2) *Allowed uses.* See Table 200-1 in Section 54-200.

- (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-here* shall be a side yard on each side of a building not less than five 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 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 35 feet.

(c) *Rear yard-The* depth of the rear yard shall be at least 20 percent of the depth of the lot, but such depth need not be more than 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) 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 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 percent.

(Ord. No. 4233-11/2009)

Sec. 54-206. - 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 54-200.

(3) *Minimum lot requirements.*

Use	Lot Area (sq. ft.)	Lot Width (lin. ft.)
Single-family dwelling	4,500	45
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 (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 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 percent of the width of the lot; except, that such side yard shall not be less than five feet, and need not be more than 25 feet.

Buildings on corner lots shall provide a side yard on the street side of not less than 15 feet, or a side yard on the street side of not less than ten feet on any lot less than 50 feet in width 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 35 feet.

(iii) Rear yard-The depth of the rear yard shall be at least 20 percent of the depth of the lot, but such depth need not be more than 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-Ten ft.*

(iv) *Rear yard-Ten ft.*

(5) *Minimum dwelling size.*

(a) *Single family-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 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 percent.

(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, 4233-11/2009, 4595 -7/2019)

Sec. 54-207  C-O Commercial Office Non-Retail Districts.

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

(1) *Intent.* This district is intended to include urban and suburban residential and professional office uses that are appropriate in areas undergoing a transition, or in areas where commercial uses might be damaging to established residential neighborhoods. This district is

further intended to provide a broad mix of residential uses with certain specified business, personal professional services that can function efficiently without generating large volumes of vehicular traffic. The regulations and restrictions are intended to protect, preserve and enhance the residential uses while permitting uses characterized principally by consultative services or executive, administrative or clerical activities.

(2) *Allowed uses.* See Table 200-1 in Section 54-200.

(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 11 or more families on sites having a minimum area of 14,000 sq. ft. and minimum frontage of 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.J* 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 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 20 percent of the width of the lot; except, that such side yard shall not be less than 15 feet and need not be more than 50 feet.

(c) *Rear yard*-The depth of the rear yard shall be at least 20 percent of the depth of the lot, but such depth need not be more than 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*-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 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 percent.

(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)

Sec. 54-208. - C-1 Local Business Districts.

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

(2) *Allowed uses.* See Table 200-1 in Section 54-200.

(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

16,000

None

- (a) Apartment building for 11 or more families on sites having a minimum area of 14,000 sq. ft. and minimum frontage of 100 feet on a street of city collector or greater designation on the official major thoroughfare plan shall be limited by floor area ratio (FAR.)* 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. (FAR. 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 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 feet shall be provided, and a side yard of 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 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 35 feet.

- (iii) *Rear yard*-The depth of the rear yard shall be at least 20 percent of the depth of the lot, but such depth need not be more than 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 feet.
- (ii) *Side yard*-None; provided, however, if the building is set back from the property line it shall be a minimum of five 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 percent of the lot width, but not less than seven feet.

Buildings on corner lots shall provide a side yard on the street side of not less than ten 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 30 feet.

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

(5) *Minimum dwelling size.*

- (a) *Single family*-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 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 percent.

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

Sec. 54-209. - 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 54-200.

(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 feet.

(b) *Side yard-None;* provided, however, if the building is set back from the property line it shall be a minimum of five 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 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 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)

Sec. 54-210. - 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 54-200.

(3) *Minimum lot requirements.*

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

(a) Apartment building for 11 or more families on sites having a minimum area of 14,000 sq. ft. and minimum frontage of 100 feet on a street of city collector or greater designation on the official major thoroughfare plan shall be limited by floor area ratio (FAR.)* 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. (FAR. 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 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 percent of the width of the lot; except, that such side yard shall not be less than seven feet, and need not be more than 25 feet.

Buildings on corner lots shall provide a side yard on the street side of not less than 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 35 feet.

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

(ii) *Side yard*-None; provided, however, if the building is set back from the property line it shall be a minimum of five 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 feet shall be provided.

Buildings on corner lots shall provide a side yard on the street side of not less than ten 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 30 feet.

(iii) *Rear yard*-None; except that not less than ten feet shall be provided adjacent to an existing alley and not less than 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*-650 square feet of living floor area.

(b) *Multi-family*-None.

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

(a) *Residential uses*-50 percent

(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 90 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 percent.

(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, 4233-11/2009, 4563 -9/2018)

Sec. 54-211. - 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 ten 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 54-200.

(3) *Minimum area requirements.* At least ten acres for a campus, except that a campus master plan for areas larger than ten 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 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 feet.
- (c) *Rear yard*-Ten 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 two 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 percent 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.
- (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 percent 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 percent of formal open space of the campus area is required if the floor area ratio is above 2.0.

- (iii) A minimum of 25 percent 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 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 facade width greater than 150' shall have aesthetic visual breaks in the facade 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 facade, and associated with enhanced landscape features or other similar civic amenities;
 - (2) An intervening courtyard or plaza meeting the requirements of subsection (7)(c)., resulting in no single portion of horizontal facade 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 facade, 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

Sec. 54-212. - 1-1 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 54-200.

(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 set back of not less than 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 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 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 percent.

{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)

Sec. 54-213. - 1-2 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 54-200.
- (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 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 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) *[Height restrictions.]* There shall be no height restriction except any restrictions set forth in Section 54-217 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)

Sec. 54-214. - P.D. Planned District regulations.

- (1) *Intent.* This district is intended to provide maximum flexibility in the development of property and at the same time to preserve and maintain the character and integrity of adjacent lands. It

is an alternative to the base district standards where a plan for development equally or better meets the intent of the district or districts uses, better addresses site specific conditions including transitions to adjacent areas, and better service the public purpose than would otherwise occur under base standards.

(2) *[Planned residential, planned commercial or planned industrial districts.]* Each of the residential, commercial or industrial districts (R-1 to 1-2 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, setbacks, 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

1-1

IP-2 1-2

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. 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. 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. 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 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.

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 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 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 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 54-1002(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 54-1001(2) of this chapter.

(8) *[Administrative authorization.]* If 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:

- (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; Ord. No. 4630, § 1, 4-13-2020)

Sec. 54-215. - F.D. Flood Hazard District regulations.

- (1) *Definitions.* Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance it's most reasonable application:

0.2% Annual chance floodplain means the floodplain that would be inundated by the 0.2% annual chance flood and delineated on the flood insurance rate maps.

0.2% Annual chance flood elevation means the elevation to which floodwaters are expected to rise during a 0.2% annual chance flood.

Appurtenant structure shall mean a structure on the same parcel of property as the principal structure, the use of which is incidental to the use of the principal structure. Also shall be known as "accessory structure."

Area of shallow flooding means a designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Base flood means the flood having one percent chance of being equaled or exceeded in any given year.

Base flood elevation means the elevation to which floodwaters are expected to rise during the base flood.

Basement means any area of the building having its floor subgrade (below ground level) on all sides.

Building means "structure." See definition for "*structure*."

Critical facility means any property that, if flooded, would result in severe consequences to public health and safety. Critical facilities include, but are not limited to: facilities that produces, use, or store hazardous materials; hospitals, nursing homes, and housing likely to contain vulnerable populations; emergency support function facilities like police stations, fire stations, vehicle and equipment storage facilities, and emergency operations centers; public and private utility facilities vital to maintaining or restoring normal services to flooded areas before, during, and after a flood.

Development means any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion or alteration of buildings or other structures; the placement of manufactured homes; streets and other paving; utilities; filling, grading, and excavation; mining; dredging; drilling operations; storage of equipment or materials; or obstructions.

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is complete before the effective date of the floodplain management regulations adopted by a community.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas.

Flood fringe is that area of the floodplain, outside of the floodway, that has a one percent chance of flood occurrence in any one year.

Flood Insurance Rate Map (FIRM) means an official map of a community, on which the Flood Insurance Study has delineated the special flood hazard area boundaries and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) is the official report provided by the Federal Emergency Management

Agency. The report contains flood profiles, as well as the Flood Insurance Rate Map and the water surface elevation of the base flood.

Floodplain means any land area susceptible to being inundated by water from any source (see definition of "flooding"). Floodplain includes flood fringe and floodway. Floodplain and special flood hazard area are the same for use by this ordinance.

Floodproofing means any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, and structures and their contents.

Floodway or regulatory floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Freeboard means a factor of safety usually expressed in feet above a flood level for purposes of floodplain 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.

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure means any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built or

modified so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

Manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

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

New construction for floodplain management purposes, "*new construction*" means structures for which the "start of construction" commenced on or after the effective date of the floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed {including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

Obstruction means any wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation {including the alteration or relocation of a watercourse or drainway), channel rectification, bridge, conduit, culvert, building, stored equipment or material, wire, fence, rock, gravel, refuse, fill, or other analogous structure or matter which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the natural flow of the water would carry such structure or matter downstream to the damage or detriment of either life or property. Dams designed to store or divert water are not obstructions if permission for the construction thereof is obtained from the Department of Natural Resources pursuant to the Safety of Dams and Reservoirs Act (Nebraska Revised Statutes 46-1601 to 46-1670 as amended).

Overlay district is a district in which additional requirements act in conjunction with the underlying zoning district(s). The original zoning district designation does not change.

Post-FIRM structure means a building that was constructed or substantially improved after December 31, 1974 or on or after the community's initial Flood Insurance Rate Map dated July 5, 2018, whichever is later.

Pre-FIRM structure means a building that was constructed or substantially improved on or before

December 31, 1974 or before the community's initial Flood Insurance Rate Map dated July 5, 2018, whichever is later.

Principally above ground means that at least 51 percent of the actual cash value of the structure is above ground.

Recreational vehicle means a vehicle which is {i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; {iii) designed to be self-propelled or permanently towable by a light duty truck; and {iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory flood elevation means the base flood elevation (BFE) plus a freeboard factor as specified in this ordinance.

Special Flood Hazard Area (SFHA) is the land in the floodplain within a community subject to one percent or greater chance of flooding in any given year.

Start of construction means the date the floodplain development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. "Start of construction" also includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, 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 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, piers, 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. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not the alteration affects the external dimensions of the building.

Structure means 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.

Subdivision means the division or re-division of a lot, tract, or parcel of land by any means into two or

more lots, tracts, parcels, or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership, or building or lot development.

Substantial damage means damage of any origin sustained by a structure whereby the cumulative cost of restoring the structure to its before-damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Cumulative costs shall include all costs for reconstruction, rehabilitation, or other improvement of the structure to repair damage incurred within ten years preceding the date of the floodplain development permit.

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure." Cumulative costs shall include all costs for reconstruction, rehabilitation, or other improvement of the structure to repair damage incurred within ten years preceding the date of the floodplain development permit and shall include any costs resulting from substantial damage.

Variance is a grant of relief to an applicant from the requirements of this ordinance that allows construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

Violation means a failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the Elevation Certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

Watercourse means any depression two feet or more below the surrounding land that serves to give direction to a current of water at least nine months of the year and that has a bed and well-defined banks.

(2) *Statutory authorization, findings of fact, and purposes.*

- (a) *Statutory authorization.* The Legislature of the State of Nebraska has delegated the responsibility to local governmental units to adopt zoning regulations designed to protect the

public health, safety, general welfare, and property of the people of the state. The Legislature, in Neb. Rev. Stats. §§ 31-1001 to 31-1023 (as amended), has further assigned the responsibility to adopt, administer, and enforce floodplain management regulations to the County, City, or Village with zoning jurisdiction over the flood prone area.

Therefore the City of Hastings, Nebraska ("the City") 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 that 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 the flood losses. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities as well as the occupancy of flood hazard areas by uses vulnerable to floods or hazardous to others that are inadequately elevated or otherwise unprotected from flood damages.

(c) Statement of purpose. It is the purpose of this ordinance to promote the public health, safety, and general welfare and to minimize those losses described in section (2)(b) by applying the provisions of this ordinance to:

- (i) Restrict or prohibit uses that 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 that service such uses, be provided with flood protection at the time of initial construction.
- (iii) Reduce financial burdens from flood damage borne by the community, its governmental units, its residents, and its businesses by preventing excessive and unsafe development in areas subject to flooding.
- (iv) Assure that eligibility is maintained for property owners in the community to purchase flood insurance from the National Flood Insurance Program.

(d) Adherence to regulations. The regulations of this ordinance are in compliance with the National Flood Insurance Program Regulations as published in Title 44 of the Code of Federal Regulations and the Nebraska Minimum Standards for Floodplain Management Programs as published in the Nebraska Administrative Code Title 455, Chapter 1.

(3) *General provisions.*

- (a) *Lands to which ordinance applies.* This ordinance shall apply to all lands within the jurisdictions of the City of Hastings, Nebraska identified on the Flood Insurance Rate Map (FIRM) panels 31001C0070C, 31001C0075C, 31001C0100C, 31001C0157C, 31001C0160C, 31001C0175C, 31001C0176C, 31001C0180C, and 31001C0200C dated July 5, 2018. In all areas covered by this ordinance, no development shall be allowed except upon the issuance of a floodplain development permit to develop, granted by the floodplain administrator or the governing body under such safeguards and restrictions as the City or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community and where specifically noted in Sections (5) and (6).
- (b) *Rules for interpretation of district boundaries.* The boundaries of the floodway and the flood fringe overlay districts shall be determined by scaling distances on the official zoning map of on the effective Flood Insurance Rate Map. Where interpretation is needed to the exact location of the boundaries of the districts as shown on the zoning or other community map, the floodplain administrator shall make the necessary interpretation. In such cases where the interpretation is contested, the Board of Adjustment will resolve the dispute. The regulatory 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 their case to the Board of Adjustment and to submit their own technical evidence, if so desired.
- (c) *Compliance.* Within identified floodplains of this community, no development shall be located, extended, converted, or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.
- (d) *Abrogation and greater restrictions.* This ordinance does not intend to repeal, abrogate, or impair any existent easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provision of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.
- (e) *Interpretation.* In their interpretation and application, the provisions of this ordinance 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.

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

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

(4) *Establishment of zoning districts.* Along watercourses where a floodway has been established, the mapped floodplain areas are hereby divided into the two following districts: a floodway overlay district (FW) and a flood fringe overlay district (FF) as identified in the Flood Insurance Study dated July 5, 2018 and on accompanying FIRM panels as established in Section (3)(a). The flood fringe overlay district shall correspond to flood zones A, AE, A1-30, AH, AO, AR, A99, and floodway areas in Zone AE that are identified on FIRM panels. The floodway overlay district shall correspond to the floodway areas in Zone AE that are identified on the FIRM panels. Within these districts, all uses not meeting the standards of this ordinance and those standards of the underlying zoning district shall be prohibited.

(5) *Floodplain management administration.*

(a) *Designation of floodplain administrator.* The City Engineer of the community is hereby designated as the community's local Floodplain Administrator. The floodplain administrator is authorized and directed to administer, implement, and enforce all provisions of this ordinance. If the local Floodplain Administrator position is unfilled, the community CEO shall assume the duties and responsibilities herein.

(b) *Permits required.* A floodplain development permit shall be required before any development, construction, or substantial improvement is undertaken. No person, firm, corporation, government agency, or other entity shall initiate any floodplain development without first obtaining a floodplain development permit.

(c) *Duties of the Floodplain Administrator.*

- (i) Duties of the City Engineer (as Floodplain Administrator) shall include, but not be limited to the following:
 - (1) Review, approve, or deny all applications for floodplain development permits.
 - (2) Review all development permit applications to assure that sites are reasonably safe from flooding and that the permit requirements of this ordinance have been satisfied.
 - (3) Review applications for proposed development to assure that all necessary permits have been obtained from those federal, state, or local government agencies from which prior approval is required.
 - (4) Review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding.
 - (5) Notify adjacent communities and the Nebraska Department of Natural Resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency.
 - (6) Assure that maintenance is provided within the altered or relocated portion of the watercourse so that the flood carrying capacity is not diminished.
 - (7) Verify, record, and maintain record of the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures in the floodplain.
 - (8) Verify, record, and maintain record of the actual elevation (in relation to mean sea level) to which all new or substantially improved structures have been floodproofed.
 - (9) Verify, record, and maintain record of all improved or damaged structures to ensure compliance with standards in applicable sections. Track value of improvements and market value with permits. Also, ensure consistent market value estimations to evaluate against damaged or improved values.
 - (10) Ensure comprehensive development plan as amended is consistent with this ordinance.
 - (11) In the event the floodplain administrator discovers work done that does not comply with applicable laws or ordinances, the floodplain administrator shall revoke the permit and work to correct any possible violation in accordance with this ordinance.

(d) Application for permit and demonstration of compliance.

- (i) To obtain a floodplain development permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every such application shall:
 - (1J Identify and describe the proposed development and estimated cost to be covered by the floodplain development permit.
 - (2) Describe the land on which the proposed development is to be done by lot, block, tract, and house and streets address, or similar description that will readily identify and definitely locate the proposed building or development.
 - (3) Indicate the use or occupancy for which the proposed development is intended.
 - (4) Be accompanied by plans and specifications for proposed construction.
 - (5) Be signed by the permittee and authorized agent who may be required to submit evidence to indicate such authority.
- (ii) If any proposed development is located entirely or partially within a floodplain, applicants shall provide all information in sufficient detail and clarity to enable the floodplain administrator to determine that:
 - (1J All such proposals are consistent with the need to minimize flood damage;
 - (2) All utilities and facilities such as sewer, gas, water, electrical, and other systems are located and constructed to minimize or eliminate flood damage;
 - (3) Structures will be anchored to prevent flotation, collapse, or lateral movement;
 - (4) Construction materials are flood resistant;
 - (5) Appropriate practices to minimize flood damage have been utilized; and
 - (6) Electrical, heating, ventilation, air conditioning, plumbing, and any other service facilities have been designed and located to prevent entry of floodwaters.
- (iii) For all new and substantially improved structures, an elevation certificate based upon the finished construction certifying the elevation of the lowest floor, including basement, and other relevant building components shall be provided to the Floodplain Administrator and be completed by a Licensed Surveyor, Engineer, or Architect.
- (iv) When floodproofing is utilized for an applicable structure, a floodproofing certificate shall be provided to the Floodplain Administrator and be completed by a licensed

Professional Engineer or Architect.

- (v) For all development proposed in the floodway, no-rise certification shall be provided to the Floodplain Administrator and be completed by a licensed Professional Engineer.
 - (vi) Any other such information as reasonably may be required by the City Engineer shall be provided.
 - (vii) Letters of Map Revision: Federal regulations in Title 44 of the Code of Federal Regulations, Chapter 1, Part 65.5 and 65.6, or as subsequently amended, allow for changes to the special flood hazard area through a Letter of Map Revision (LOMR) or a Letter of Map Revision Based on Fill (LOMR-F), provided the community determines that the land and any existing or proposed structures that would be removed from the floodplain are "reasonably safe from flooding." The community acknowledgement form asserting this is required for LOMR and LOMR-F applications and must be signed by the floodplain administrator. The Floodplain Administrator shall not sign a community acknowledgement form unless all criteria set forth in the following paragraphs are met:
 - (1) Applicant shall obtain floodplain development permit before applying for a LOMR or LOMR-F.
 - (2) Applicant shall demonstrate that the property and any existing or proposed structures will be "reasonably safe from flooding," according to the minimum design standards in FEMA Technical Bulletin 10-01.
 - (3) All requirements listed in the Simplified Approach in FEMA Technical Bulletin 10-01 shall be met and documentation from a registered professional engineer shall be provided. If all of these requirements are not met, applicant must provide documentation in line with the Engineered Approach outlined in FEMA Technical Bulletin 10-01.
- (e) *Flood data required.*
- (i) All Zone A areas on the FIRM are subject to inundation of the base flood; however, the base flood elevations are not provided. Zone A areas shall be subject to all development provisions of this ordinance. If Flood Insurance Study data is not available, the community shall utilize any base flood elevation or floodway data currently available from federal, state, or other sources, including from a study commissioned by the applicant pursuant to best technical practices.
 - (ii) Until a floodway has been designated, no development or substantial improvement may be permitted within the floodplain unless the applicant has demonstrated that the

proposed development or substantial improvement, when combined with all other existing and reasonably anticipated developments or substantial improvements, will not increase the water surface elevation of the base flood more than one foot at any location as shown in the Flood Insurance Study or on base flood elevation determinations.

(f) *Variances and appeals.* Variance and appeals procedures:

- (i) The Board of Adjustment as established by the City shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- (ii) 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 ordinance.
- (iii) Any person aggrieved by the decision of the Board of Adjustment or any taxpayer may appeal such decision to the District Court as provided in Neb. Rev. Stat. § 19-929.
- (iv) In evaluating such appeals and requests, the Board of Adjustment shall consider technical evaluation, all relevant factors, standards specified in other sections of this ordinance, and:
 - (1) The danger to life and property due to flooding or erosion damage;
 - (2) The danger that materials may be swept onto other lands to the injury of others;
 - (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner, future owners, and neighboring properties;
 - (4) The importance of the services provided by the proposed facility to the community;
 - (5) The necessity of the facility to have a waterfront location, where applicable;
 - (6) The availability of alternative locations that are not subject to flooding or erosion damage for the proposed use;
 - (7) The compatibility of the proposed use with existing and anticipated development;
 - (8) The relationship of the proposed use to the comprehensive plan and the floodplain management program for that area;
 - (9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (10) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and,

- (11) The costs of providing government services during and after flood conditions including emergency management services and maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, streets, and bridges.

Conditions for variances:

- (i) Variances shall only be issued upon a showing of good and sufficient cause and also upon a determination that failure to grant the variance would result in an exceptional hardship to the applicant.
- (ii) Variances shall only be issued based upon a determination that the granting of a variance will not result in increased flood heights.
- (iii) Variances shall only be issued based upon a determination that the granting of a variance will not result in 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.
- (iv) 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 E-1 below have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
- (v) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure on the National Register of Historic Places and the variance is the minimum necessary to preserve the historic character and design of the structure.
- (vi) Variances shall not be issued within any designated floodway if any increase in water surface elevations along the floodway profile during the base flood discharge would result.
- (vii) Variances shall only be issued upon a determination that the variance in the minimum necessary, considering the flood hazard, to afford relief.
- (viii) The applicant shall be given a written notice over the signature of a community that the issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage and also that such construction below the base flood elevation

increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this ordinance.

- (ix) All requests for variances and associated actions and documents, including justification for their issuance, shall be maintained by the community.

(g) *Enforcement.*

- (i) *Violations.* Failure to obtain a floodplain development permit or the failure of a structure or other development to be fully compliant with the provisions of this ordinance shall constitute a violation. A structure or other development without a floodplain development permit, elevation certificate, certification by a licensed professional engineer of compliance with these regulations, or other evidence of compliance is presumed to be in violation until such time as documentation is provided.

- (ii) *Notices.* When the Floodplain Administrator or other authorized community representative determines, based on reasonable grounds, that there has been a violation of the provisions of this ordinance, the Floodplain Administrator shall give notice of such alleged violation as hereinafter provided. Such notice shall:

- (1) Be in writing;
- (2) Include an explanation of the alleged violation;
- (3) Allow a reasonable time for the performance of any remedial act required;
- (4) Be served upon the property owner or their agent as the case may require; and
- (5) Contain an outline of remedial actions that, if taken, will bring the development into compliance with the provisions of this ordinance.

(iii) *Penalties.*

- (1) Violation of the provisions of this ordinance 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, firm, corporate, or other entity that violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$100.00, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

- (2) The imposition of such fines or penalties for any violation or non-compliance with this ordinance shall not excuse the violation or non-compliance or allow it to continue. All such violations or non-compliant actions shall be remedied within an established and reasonable time.
- (3) Nothing herein contained shall prevent the City or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

(6) *Standards for floodplain development.*

(a) *General provisions.*

(i) Alteration or relocation of a watercourse.

- (1) A watercourse or drainway shall not be altered or relocated in any way that in the event of a base flood or more frequent flood will alter the flood carrying characteristics of the watercourse or drainway to the detriment of upstream, downstream, or adjacent locations.
- (2) No alteration or relocation shall be made until all adjacent communities that may be affected by such action and the Nebraska Department of Natural Resources have been notified and all applicable permits obtained. Evidence of such notification shall be submitted to the Federal Emergency Management Agency.

(ii) *Encroachments.*

- (1) When proposing to permit any of the following encroachments, the standards in Section (6)(a)(2) shall apply:
 - (a) Any development that will cause a rise in the base flood elevations within the floodway; or
 - (b) Any development in Zones A, A1-30, and Zone AE without a designated floodway that will cause a rise of more than one foot in the base flood elevation; or
 - (c) Alteration or relocation of a stream; then
- (2) The applicant shall:
 - (a) Apply to FEMA for conditional approval of such action via the Conditional Letter of Map Revision process (as per Title 44 of the Code of Federal Regulations, Chapter 1, Part 65.12) prior to the permit for the encroachments; and
 - (b) Supply the fully approved package to the floodplain administrator including any

required notifications to potentially affected property owners.

(iii) *Floodway overlay district.*

(1) Standards for the floodway overlay district.

- (a) New structures for human habitation are prohibited.
- (b) All encroachments, including fill, new construction, substantial improvements, and other development must be prohibited unless certification by a registered professional engineer or architect is provided demonstrating that the development shall not result in any increase in water surface elevations along the floodway profile during the occurrence of the base flood discharge. These developments are also subject to all the standards of Section (6).
- (c) In Zone A areas, obtain, review, and reasonably utilize any flood elevation and floodway data available through federal, state, or other sources, including studies done under Section (6)(c)(viii) "Subdivisions", in meeting the standards of this section.

(2) Only uses having a low flood-damage potential and not obstructing flood flows shall be allowed within the Floodway Overlay District to the extent that they are not prohibited by any other ordinance. The following are recommended uses for the Floodway Overlay District:

- (a) Agricultural uses such as general farming, pasture, nurseries, and forestry
- (b) Residential uses such as lawns, gardens, parking, and play areas
- (c) Nonresidential uses such as loading areas, parking, and airport landing strips
- (d) Public and private recreational uses such as golf courses, archery ranges, picnic grounds, parks, and wildlife and nature preserves.

(b) *Elevation and floodproofing requirements.*

(i) *Residential structures.*

- (1) In Zones A, AE, A1-30, and AH, all new construction and substantial improvements shall have the lowest floor, including basement, elevated to or above one (1) foot above the base flood elevation.
- (2) In Zone AO, all new construction and substantial improvements shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as one foot above the depth number specified in feet on the FIRM or, if no depth

number is specified on the FIRM, at least as high as three feet.

(3) In the floodway, new structures for human habitation are prohibited.

(ii) *Nonresidential structures.*

(1) In Zones A, AE, A1-30, and AH, all new construction and substantial improvements shall have the lowest floor, including basement, elevated to or above one foot above the base flood elevation or, together with attendant utility and sanitary facilities, flood-proofed so that below one foot above the base flood elevation:

(a) The structure is watertight with walls substantially impermeable to the passage of water and

(b) The structure has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

(c) A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. A floodproofing certificate shall be provided to the floodplain administrator as set forth in section (5).

(2) In Zone AO, all new construction and substantial improvements shall have the lowest floor elevated above the highest adjacent grade at least as high as one foot above the depth number specified in feet on the FIRM or, if no depth number is specified on the FIRM, at least as high as three feet; or, together with attendant utility and sanitary facilities, floodproofed so that below one foot above the base flood elevation:

(a) The structure is watertight with walls substantially impermeable to the passage of water and

(b) The structure has structural components with 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. A floodproofing certificate shall be provided to the floodplain administrator as set forth in Section (5).

(iii) *Space below lowest floor.*

(1J Fully enclosed areas below the lowest floor (excluding basements) and below the base flood elevation shall be used solely for the parking of vehicles, building access, or limited storage of readily removable items.

- (2) Fully enclosed areas below the lowest floor (excluding basements) and below the base flood elevation shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. The size of such enclosed areas shall not exceed 299 square feet except for buildings where the minimum clearance height of the enclosed area is less than seven feet. 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) A minimum of two openings having a net total area of not less than one square inch for every one square foot of enclosed space,
 - (b) The bottom of all openings shall not be higher than one foot above grade, and
 - (c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they allow the automatic entry and exit of floodwaters.

(iv) *Appurtenant structures.*

- (1) Structures accessory to a principal building may have the lowest floor below one foot above base flood elevation provided that the structure complies with the following requirements:
- (a) The structure shall not be used for human habitation.
 - (b) The use of the structure must be limited to parking of vehicles or storage of items readily removable in the event of a flood warning.
 - (c) The floor area shall not exceed 400 square feet.
 - (d) The structure shall have a low damage potential.
 - (e) The structure must be adequately anchored to prevent flotation, collapse, or other lateral movement.
 - (f) The structure shall be designed to automatically provide for the entry and exit of floodwaters for the purpose of equalizing hydrostatic forces. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - (i) A minimum of two openings having a net area of not less than one square inch for every one square foot of enclosed space,
 - (ii) The bottom of all openings shall not be higher than one foot above grade, and

- (iii) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they allow the automatic entry and exit of floodwaters.
- (g) No utilities shall be installed except electrical fixtures in the structure, which must be elevated or floodproofed to one foot above base flood elevation.
- (h) The structure shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
- (i) If the structure is converted to another use, it must be brought into full compliance with the minimum standards governing such use.
- (v) *Manufactured homes.* Within any floodplain, manufactured homes shall be prohibited.

(vi) *Existing structures.*

(1J The provisions of this ordinance do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to a structure in the floodplain, a floodplain development permit is required and the provisions of Section (6J(b)(vi)(2)-(4) shall apply.

- (2) Any addition, alteration, reconstruction, or improvement of any kind to an existing structure where the costs of which would equal or exceed 50 percent of the pre-improvement market value shall constitute a substantial improvement and shall fully comply with the provisions of this ordinance.
- (3) Any addition, alteration, reconstruction, or improvement of any kind to an existing structure in the floodway shall comply with the provisions of Section (6J(a)(iii).
- (4) Any addition, alteration, reconstruction, or improvement of any kind to an existing structure that will change the compliance requirements of the building shall require applicable documentation including an elevation certificate, floodproofing certificate, or no rise certification.

(c) *Design and construction standards.*

(i) *Anchoring.*

- (1) All buildings or structures shall be firmly anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

(ii) *Building materials and utilities.*

(1J All buildings or structures shall be constructed with materials and utility equipment resistant to flood damage. All buildings or structures shall also be constructed by methods and practices that minimize flood and flood-related damages.

(2) All buildings or structures shall be constructed with electrical, heating, ventilation, plumbing, 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.

(iii) *Drainage.*

(1J Within Zones AO and AH, adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.

(iv) *Water supply and sanitary sewer systems.*

(1) All new or replacement water supply and sanitary sewer systems shall be located, designed, and constructed to minimize or eliminate flood damages to such systems and the infiltration of floodwaters into the systems.

(2) All new or replacement sanitary sewage systems shall be designed to minimize or eliminate discharge from the system into floodwaters.

(3) On-site waste disposal systems shall be located and designed to avoid impairment to them or contamination from them during flooding.

(4) New or replaced septic systems in floodplains are prohibited.

(v) *Other utilities.*

(1J All other utilities such as gas lines, electrical, telephone, and other utilities shall be located and constructed to minimize or eliminate flood damage to such utilities and facilities.

(vi) *Storage of materials.*

(1J 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.

(2) The 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.

(vii) *Recreational vehicles.* Within any floodplain, recreational vehicles and recreational vehicle parks shall be prohibited.

(viii) *Subdivisions.*

(1J Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, shall require assurance that:

- (a) All such proposals are consistent with the need to minimize flood damage;
- (b) All public utilities and facilities such as sewer, gas, electrical, and water systems are located, elevated, and constructed to minimize or eliminate flood damage;
- (c) Adequate drainage is provided so as to reduce exposure to flood hazards; and
- (d) Proposals for development (including proposals for manufactured home parks and subdivisions) of five acres or 50 lots, whichever is less, where base flood elevation data are not available, shall be supported by hydrologic and hydraulic analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for Conditional Letters of Map Revision and a Letters of Map Revision.

(7) *Nonconforming use.*

- (a) A structure or use of a structure or premises that was lawful before the passage or amendment of this ordinance, but that is not in conformity with the provisions of this ordinance may be continued subject to the following conditions:
 - (i) If such use is discontinued for 24 consecutive months, any future use of the building premises shall conform to this ordinance. 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 24 months.
 - (ii) Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.
- (b) If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than 50 percent of the market value of the structure before the damage occurred except that if it is reconstructed in conformity with the provisions of this ordinance. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, or safety code or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, provided that the alteration shall not preclude its continued designation.

(8) *Amendments.*

- (a) The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or appealed to reflect any and all changes in federal, state, or local regulations provided, however, that no such action may be taken until after a public hearing in relation thereto, at which citizens and parties in interest shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City. At least 15 days shall elapse between the date of this publication and the public hearing.
- (b) A copy of such amendments will be provided to the Nebraska Department of Natural Resources and the Federal Emergency Management Agency for review and approval before being adopted.

(Ord. No. 4233-11/2009, 4555 -6/2018, 4558 -7/2018)

Sec. 54-216. -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 Southwest¼ 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 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 200 feet beyond the end of each runway and shall be 1,000 feet in width for each instrument runway or landing strip and 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 100 feet of horizontal length for the instrument runway or landing strip and 20 feet of width for each 100 feet of horizontal length for all other runways.
- (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 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 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 foot vertically to seven 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 statute miles from the nearest points along the airport property lines.
- (3) *Height restrictions.* No building, transmission line, communication line, pole, tree, smoke-stack, chimney, wires, tower or other structure or appurtenance thereto of any kind or character shall hereafter be erected, constructed, repaired or established, nor shall any tree or other object of natural growth be allowed to grow:
- (a) In inner areas of approach zones to a height above the elevation of the nearest point on the end or proposed end of said instrument runway or landing strip in excess of 1/50, and all other runways or landing strips in excess of 1/40 of the distance from the end of the approach zone (the end nearest the runway or landing strip) to said structure or object;

- (b) In the outer area of approach zones and in turning zones to a height in excess of 150 feet above the elevation at the end or proposed end of the nearest runway or landing strip;
- (c) In the transition zones to a height above the planes forming the transition slopes; and
- (d) In the existing or proposed operation zones to a height above the existing or proposed finished grade of said runway or landing strips or surface of the ground.

(4) *Location sketch and zoning map.*

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

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

- (a) *Permit required.* It shall hereafter be unlawful to erect, construct, reconstruct, repair, or establish any building, transmission line, communication line, pole, tower, smoke-stack, chimney, wires or other structure or appurtenance thereto of any kind or character or to plant or replant any tree or other object of natural growth, within the boundary of the zoned area of said airport without first obtaining a "permit" from the Administrative Agency.
- (b) *Exceptions.* In the Outer Area of Approach Zones and within the Turning Zones, no permit shall be required for any construction or planting which is not higher than 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) *Nonconforming structures.*

- (a) Within the zoned area as herein before defined, no nonconforming 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 30 percent or more of their original condition, or abandoned for a period of 12 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 nonconforming 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 nonconforming structure or object exists and has existed prior to the passage of these regulations and within the zoned area herein before described at such a height or in such a position as to constitute a hazard to the safe operation of aircraft landing at or taking off from said airport, the owner or owners and lessor or lessors of the premises on which such structure or object is located shall be notified in writing by the said Administrative Agency and shall within a reasonable time permit the marking thereof by suitable lights or other signals designated by the Agency and based on the recommendations of the Nebraska Department of Aeronautics. The cost of such marking shall not be assessed against the owner or lessor of said premise.

(8) Administrative agency.

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

(9) Zoning board of adjustment.

- (a) The Zoning Board of Adjustment of the City of Hastings, Nebraska, shall be the Board of Adjustment with respect to these regulations, to have and exercise the powers conferred by Section 3-320, R.R.S., 1943, and such other powers and duties as are conferred and imposed by law.

Sec. 54-217. - Reserved.

Sec. 54-218. - District assignment-Extraterritorial jurisdiction expansion.

Whenever the City's extra territorial zoning jurisdiction has been expanded pursuant to Neb. Rev. Stat. § 16-901, as the same may be from time to time amended, and the City has provided by ordinance for the powers and duties granted by Neb. Rev. Stats. §§ 16-902 to 16-904 or 19-2402, to be applied to that area the following shall apply:

- (1) An unincorporated territory which comes into the extraterritorial jurisdiction of the City where the powers and duties are to be exercised shall immediately become classified in conformance with the zones noted herein and shall remain so zoned until an amendment to the official zoning map or this chapter shall place such land in a different zone or zones.

Adams County Zoning District		City of Hastings Zoning District	
AG	Agricultural district	A	Agricultural
TA	Transitional Agricultural district	A	Agricultural
R-1	Residential Estates district	R-1A	Single-family large lot residential
R-2	Urban Residential district	R-3	Multiple-family residential
C-1	Village Development district	-	Not Applicable
C-2	Highway Commercial district	C-3	Commercial business
C-3	General Commercial district	C-3	Commercial business
MU	Use district	C-2	Central business district
FS	Flex Space district	1-1	Light Industrial district
1-1	Light Industrial district	1-1	Light Industrial district

1-2	Industrial district	1-2	Heavy Industrial district
CMD	Clustered Mixed Use Development district	-	Not Applicable
DSO	Dark Sky Overlay district	DSO	Dark Sky Overlay district
co	Conservation Overlay district	-	Not Applicable
WHO	Wellhead Protection Overlay district	WHO	Wellhead Protection Overlay district
AHO	Airport Hazard Overlay district	AP	Airport Zoning Regulations
FW/FF	Floodway and Flood Fringe Hazard Overlay district	FD	Flood Hazard District Regulations
HO	Highway Corridor Overlay district	-	Not Applicable
AHO	Adams-Hastings Joint Use district	AHO	Adams-Hastings Joint Use district

- (2) Extension of the extraterritorial zoning jurisdiction area where the powers and duties are to be exercised shall not prohibit, prevent or interfere with the conduct of legally existing farming, livestock operations business, or industry.
- (3) All preexisting allowed land uses in the expanded jurisdictional area, which are not by-right uses in the City of Hastings, shall be considered legal nonconforming uses.
- (4) All preexisting land uses which violated Adams County Zoning and Subdivision Regulation before expansion of the extraterritorial zoning jurisdiction where powers and duties are to be exercised, shall be subject to the applicable City of Hastings Zoning and Subdivision Regulations.
- (5) The provisions of this section shall apply to any property, within the extraterritorial zoning jurisdiction where powers and duties are being exercised, when such property has not previously been assigned a zoning designation by the City.

(Ord. No. 4607 -11/2019)

- (1) *Intent.* The intent of this district is to overlay any of the primary zoning districts herein established in order to assist the City of Hastings, which maintains and operates public water wells in the city and county. In addition, the district assists water production districts in maintaining and operating public or semi-public water wells in the county that serve rural areas and municipalities within Adams County, as well as neighboring counties. In order to provide protection for such wells, the regulation of land uses having the potential for contamination of the groundwater source(s) is necessary near and adjacent to said wells. The intent of this district is also to protect existing and future agricultural uses which are in balance with the natural environment, which are compatible with existing agricultural uses and which will not present unacceptable potential for contamination of the public water supply system wells.
- (2) *Prerequisite requirements for application of this overlay district.* Prior to the application of this overlay district to any lands in the City of Hastings and that portion of its extraterritorial jurisdiction where zoning powers and duties are exercised, the City of Hastings shall identify such lands, and City Council shall approve such lands, either through an ordinance amending Section 32-616.01 of the Official City Code or by adopting a map delineating the wellhead protection area. Prior to making such application and approval of any application of this district to any lands within the county by the City Council, a municipality, other than the City of Hastings or any rural water district making such application shall have first complied with all other requirements of the Wellhead Protection Act (Neb. Rev. Stat. §§ 46-1501 through 46-1509). These requirements include, but are not limited to the following:
 - (a) Delineation of the wellhead protection area based upon a 20-year time of travel recharge zone, as defined by the Nebraska Department of Environment and Energy,
 - (b) Approval of such wellhead protection area by the Nebraska Department of Environment and Energy,
 - (c) Completion and mapping of an inventory of potential contamination sources within the wellhead protection area(s), including identification of abandoned wells,
 - (d) Formulation of emergency/contingency/long-range plans in the event of disruption of supply of water from the wells in the wellhead protection area(s),
 - (e) Formulation, adoption and enforcement of land use control regulations for those portions of the wellhead area within the corporate limits and zoning jurisdiction area of the municipality which are appropriated to minimize the potential for contamination to the water supply of the municipality,

- (f) Formulation of and ability to implement an on-going public involvement /education program to permit public comment in the establishment of the Wellhead Protection Program and to provide information to the public regarding the program and voluntary cooperation with said program,
 - (g) Development of a program to install and maintain Wellhead Protection Area signs on roadways around the wellhead protection area(s),
 - (h) The municipality, other than the City of Hastings, or any other public water supply system shall execute an inter-local agreement with the City of Hastings for the administration and enforcement of the regulations of the lands within this wellhead protection overlay district. In such agreement, the governmental entity agrees to pay any administrative fees to the City which the parties involved agree, agree to provide legal counsel to address any legal question or legal challenge to the Wellhead Protection Overlay district regulations, and agree to hold the City harmless from any liability related to the requirements of this district, except for proper administration and enforcement of the requirements of this district by the City, together with other terms and conditions which are acceptable to the parties involved in such agreement.
- (3) *Limitation on application of this overlay district.* This district may be applied only to wellhead protection areas officially approved by the Nebraska Department of Environment and Energy. In the event the boundaries of any such officially approved Wellhead Protection Areas do not follow easily identifiable boundaries such as roads, rivers, creeks, section, quarter section or quarter-quarter section lines, the boundaries of such area shall be expanded to the nearest such lines to avoid confusion and added administrative costs associated with in-the-field determination of such boundaries. In the event that the City of Hastings extends that portion of its extraterritorial jurisdiction where zoning powers and duties are exercised to any tracts which were previously under the jurisdiction of Adams County, and which are designated in Section 32-616.01, or by a map delineating the wellhead protection area, this provision shall apply to such tracts beginning on the effective date of the jurisdictional expansion without further action by either the city or the county.
- (4) *Prohibited uses and structures.* All other uses and structures which are not permitted in the underlying district either as a permitted use, accessory use or conditional use is prohibited. These shall include both new and expanding uses. Furthermore, the following uses and/or structures shall be specifically prohibited:

- (a) Confined or intensive animal feeding operations,
 - (b) All waste handling facilities,
 - (c) Landfills and refuse recycling centers,
 - (d) All commercial or industrial uses that utilize or generate any materials determined by the United States Department of Environmental Protection, as hazardous materials, which store petroleum products or anhydrous ammonia or other fertilizers in excess of 50 gallons, shall be prohibited,
 - (e) Domestic, irrigation and any other water wells closer than 1,000 feet to the water wells being protected in this Wellhead Protection Overlay district,
 - (f) Sanitary landfills,
 - (g) Storage of hazardous waste.
- (5) *Wellhead Area Protection requirements.* The following restrictions shall apply to all uses within any land areas on which this wellhead protection overlay district is applied:
- (a) Storage of gasoline, diesel fuel, fuel oil or other similar fuels, whether on a farm or ranch or in association with any other use, shall comply with the rules and regulations of Title 126 (Rules and Regulations Pertaining to Management of Waste), Title 159 (Underground Fuel Storage Tanks), and the National Fire Protection Association Code 30, administered by the Nebraska Department of Environment and Energy or other responsible agency or department. In addition, storage of gasoline, diesel fuel, fuel oil or other similar fuels in excess of 140 gallons within 200 feet of any well, whether on a farm or ranch or in association with another land use and whether or not such fuels are stored on, above or below ground, shall include an impervious liner or shall include double wall construction.
 - (b) Fuel storage associated with any irrigation engine, including any portable fuel storage tanks shall be equipped with an impervious containment area, or double wall construction, in accordance with Chapter 57 of the International Fire Code, 2018 edition, the National Fire Protection Association Code 30, and with Title 126 (Rules and Regulations Pertaining to the Management of Waste), administered by the Nebraska Department of Environment and Energy, in the event of a release.
 - (c) No new fuel storage in excess of 140 gallons shall be permitted within 1,000 feet of any municipal well.
 - (d) Bulk storage of fertilizers, herbicides, pesticides and other materials other than fuels, determined

by the United States Environmental Protection Agency to be hazardous materials, shall be prohibited, except when a conditional use for such use is authorized and such authorization includes a condition that all such uses shall comply with the applicable rules and regulations of Title 118 (Groundwater Quality Standards and Use Classifications), Title 119 (National Pollutant Discharge Elimination System Permits), Title 126 (Rules and Regulations Pertaining to the Management of Waste), Title 128 (Nebraska Hazardous Waste Regulations), Title 159 (Rules and Regulations Pertaining to Underground Fuel Storage Tanks) and Title 198 (Rules and Regulations Pertaining to Agricultural Chemical Containment), administered by the Nebraska Department of Environment and Energy and other agencies.

- (e) Any industrial or commercial process that includes more than 1,000 lbs. of materials, determined by the United States Environmental Protection Agency to be hazardous materials, shall be prohibited, except when a conditional use for such use is authorized and such authorization includes a condition that all such uses shall comply with the applicable rules and regulations of Title 118 (Groundwater Quality Standards and Use Classifications), Title 119 (National Pollutant Discharge Elimination System Permits), Title 126 (Rules and Regulations Pertaining to the Management of Waste), Title 128 (Nebraska Hazardous Waste Regulations), Title 159 (Underground Fuel Storage Tanks) and Title 198 (Rules and Regulations Pertaining to Agricultural Chemical Containment), administered by the Nebraska Department of Environment and Energy and other agencies.
- (f) Prior to the development of any permitted land use, any abandoned well which has not been closed and sealed in accordance with the requirements of Title 178 Chapter 12 (Water Well Standards) and the requirements of the applicable Natural Resource District(s) guidelines shall be so closed and sealed.
- (g) No septic tank, tile field or other on-site wastewater treatment system, associated with any type of land use, shall be located within 1,000 feet of any municipal well protected under this district.
- (h) One septic tank and tile field or other on-site wastewater treatment system may be established on an undeveloped lot of record, as may be defined in this Code, located more than 1,000 feet from any municipal well protected under this district and existing as of the effective date of application of this district and the entirety of said lot of record lies within the land area on which this district is applied and when a public sewer is not available within 300 feet or as otherwise defined in this Code and provided such tank, tile field or other system complies with the requirements of Title 124 (Rules and Regulations Pertaining to On-

Site Wastewater Treatment) of the Nebraska Department of Environment and Energy.

- (i) If a new lot is created after the effective date of application of this district and the entirety of said lot lies within the land area on which this district is applied and a public sewer is not available within 300 feet or as may otherwise be defined in this Code to serve such lot of record, one septic tank and tile field or other on-site wastewater treatment system may be established, provided such tank, tile field or other system complies with the requirements of Title 124 (Rules and Regulations Pertaining to On-Site Wastewater Treatment) of the Nebraska Department of Environment and Energy and is located more than 1,000 feet from any municipal well protected under this district. However, in no event shall more than four septic tanks, tile fields or other on-site wastewater treatment systems be established or located in any quarter/quarter (40 acre) parcel of land within this overlay district.
- UU Domestic, irrigation, and any other water wells, other than municipal water wells shall be prohibited within a wellhead protection area on which this district has been applied, provided that:
- (1) Any existing irrigation well may be replaced with the same capacity well if said existing well no longer functions, or
 - (2) A new irrigation well may be established on a non-irrigated parcel of land 80 acres in area or larger provided such well shall not be located closer than 1,000 feet to any well protected under this district, or
 - (3) If an undeveloped lot of record, as defined in this Code, exists as of the effective date of application of this district and the entirety of said lot of record lies within the land area on which this district is applied, one 4-inch casing diameter domestic well may be established, provided such well shall be constructed in accordance with the rules and requirements of Title 178 (Water Well Standards) and said well or wells are not located closer than 1,000 feet to any well protected under this district, or
 - (4) If a new lot is created after the effective date of application of this district and the entirety of said lot lies within the land area on which this district is applied one 4-inch casing diameter domestic well may be established, provided such well shall not be located closer than 1,000 feet to any well protected under this district and shall be constructed in accordance with the rules and requirements of Title 178 (Water Well Standards). However, in no event shall more than four 4-inch casing diameter domestic wells be established or located in any quarter/quarter (40 acre) parcel of land within this overlay district.

(k) Any application of agricultural crop fertilizers, livestock manure, pesticides, or herbicides to the land or crops through an irrigation system (chemigation) shall comply with the rules and requirements of Title 195 (Rules and Regulations Pertaining to Chemigation). Further, when such fertilizers and/or livestock manure is applied, the amount of such fertilizers and/or livestock manure shall be at agronomic rates. Written verification of amounts of such fertilizers and/or livestock manure shall be provided upon request to the City by the owner of any land within this district.

(l) If any land area contained within a Wellhead Protection Overlay District is also part of a special protection area or ground water management area established under the Groundwater Management Protection Act, all uses within such areas, including agricultural uses, shall comply with the action plan and best management practices established for such areas by the applicable Natural Resource District(s).

(m) Any land use or any particular potential pollution hazard for which a separation distance is provided in Title 179 (Rules and Regulation Pertaining to Siting, Design and Construction of Public Water Systems) of the Nebraska Department of Health and Human Services shall be located a sufficient distance from any municipal water well so that the distance from the municipal water well to the potential source of contamination described in Title 179 shall exceed the separation distances provided for in Title 179.

(6) *Minimum lot area requirements.* The minimum lot area for any lot in this overlay district shall be as set forth in the primary zoning district(s) on which this district is overlain.

(7) *Minimum lot width and frontage requirements.* The minimum lot width and frontage for any lot in this overlay district shall be as set forth in the primary zoning district(s) on which this district is overlain.

(8) *Minimum building setback requirements.* The minimum setback for all regulated structures and buildings in this overlay district shall be as set forth in the primary district(s) on which this district is overlain, provided that the minimum setback requirements from protected wells shall also be complied with.

(9) *Maximum height.* The maximum height of any building or structure in this overlay district shall be as set forth in the primary zoning district(s) on which this district is overlain.

(Ord. No. 4620, § 1, 2-10-2020)

- (1) *Intent.* The intent of this district is to create an overlay district which establishes standards for outdoor lighting within an area, as described in Section 54-221(8)(i) herein, surrounding the Sachtleben Observatory of Hastings College located at 4725 South Wabash Avenue, Hastings, Nebraska in order to maintain a dark sky in the area around said Observatory. These standards shall provide for nighttime safety, security and utility for present and future residents and property owners in this specified area while reducing light pollution and light trespass. The intent of this district is also to require appropriate lighting levels, full cut-off lighting and to minimize lighting glare, lighting pollution and lighting trespass within this specified area.
- (2) *Permitted principal uses and structures, accessory uses and structures, conditional uses and prohibited uses.* All principal uses and structures and accessory uses and structures allowable in the primary zoning district(s) upon which this district is overlain shall be allowable in this overlay district. All conditional uses which may be allowable in the primary zoning district(s) upon which this district is overlain may be authorized under this overlay district. Uses which are prohibited in the primary zoning districts upon which this district is overlain shall be prohibited in this overlay district.
- (3) *Minimum lot size, width, and frontage.* The minimum lot size, lot width and lot frontage within this overlay district shall be those minimum lot sizes, widths, and frontages set forth in the primary zoning district(s) upon which this district is overlain.
- (4) *Minimum yard requirements.* The minimum yard requirements in this overlay district shall be those minimum yard requirements set forth in the primary zoning district(s) upon which this district is overlain.
- (5) *Maximum height.* The maximum height of structures within this zoning district shall be the maximum height set forth in the primary zoning district(s) upon which this district is overlain.
- (6) *Maximum lot coverage.* The maximum lot coverage within this zoning district shall be the maximum lot coverage set forth in the primary zoning district(s) upon which this district is overlain.
- (7) *Off-street parking and loading areas.* Off-street parking and loading areas shall be as governed in the primary zoning district(s) upon which this district is overlain.
- (8) *Definitions.* Notwithstanding the definitions contained in these Regulations, the following definitions shall apply with regard to lighting standards established in this overlay zoning district:

- (a) *Cutoff*. The point at which all light rays emitted by a lamp, light source or luminaire is completely eliminated {cutoff};
 - (b) *Cutoff angle*. The maximum angle formed by a line drawn in the direction of emitted light rays at the light source and a line perpendicular to the ground from the light source;
 - (c) *Full cutoff-type luminaire*. A luminaire constructed or shielded to direct all light at a cutoff angle of less than 90 degrees, also referred to as horizon limited luminaire;
 - (d) *Foot-candle*. A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle;
 - (e) *Glare*. Direct light emitted from a light source that causes eye discomfort.
 - (f) *Light pollution*. The shining of light produced by a luminaire above the height of the luminaire and into the sky;
 - (g) *Light trespass*. The shining of light produced by a luminaire beyond the boundaries of the property on which such luminaire is located;
 - (h) *Luminaire*. A complete lighting unit consisting of a light source and all necessary mechanical, electrical and decorative parts;
 - (i) *Dark Sky Preserve*. The land area surrounding the Hastings College Sachtleben Observatory, as indicated on the Official Zoning Map of City of Hastings as a primary dark sky preserve, which includes portions of the area described as being bounded by the centerline of Prairie Lake Road on the north, the centerline of Marian Road on the west, the centerline of Oregon Trail Road on the south and a line one-half mile east of and parallel to the center line of Showboat Road on the east, which are in the zoning jurisdiction of the City of Hastings, Adams County, Nebraska where the city is exercising its powers and duties.
- (9) *Dark Sky Preserve-Light control standards and regulations*. Within the primary dark sky preserve upon which this overlay district is applied the following standards and regulations shall apply:
- (a) *illumination level standards*. The recommended illumination levels contained in the Lighting Handbook of the Illuminating Engineering Society of North America, as may be amended from time to time, shall be used as a guide to providing adequate and safe illumination levels for any given type of use.
 - (b) *Prohibited lighting*. Flashing lights of any type, excluding such lights as are exempted from these regulations, as set forth in Section 54-402(B)(10)(2)(b), are prohibited.
 - (c) *Outdoor signs*. Lighting for outdoor on-premise (business) signs and outdoor off-premise

(billboard) signs shall be designed to function as full cutoff luminaires. Lighting for such signs which projects light into the sky shall be prohibited. Additionally, outdoor signs shall comply all with provisions set forth in Section 54-400. In the case of any discrepancy between these provisions, the more restrictive code shall apply.

- (d) *Non-agricultural and non-residential uses.* All luminaires located on any premises used for commercial, industrial or public or semi-public (institutional) uses shall:
 - (i) Be designed so that the light source (bulb or lamp) is completely shielded from the direct view of an adult observer standing at grade on the lot line of abutting property or any location on residentially zoned property,
 - (ii) Have a full-cutoff lighting reflectors installed;
 - (iii) Be designed and positioned so that the maximum illumination at the property lines of the property on which such lighting is located shall not exceed one-half foot-candle; and
 - (iv) The use of exterior lighting for non-residential uses shall observe the same hours of operation as the use itself, provided that any lighting for security purposes shall meet all other requirements of Items (i) through (iii) immediately above, and further provided that for any non-residential use in which lighting is used to provide operational, maintenance safety and security throughout the periods of darkness or 24 hours per day, all such outdoor lighting shall comply with all other requirements of provisions (i) through (iii) of this subsection.
- (e) *Agricultural and residential uses.* With the exceptions set forth in subsection 54-221(12) of this section, all luminaires located on any premises used for agricultural or residential purposes shall:
 - (i) Have a full-cutoff lighting reflectors installed;
 - (ii) Be designed and positioned so that the maximum illumination at the property lines of the property on which such lighting is located shall not exceed one-half foot-candle.
- (11) *Method of lighting measurement.* Illumination levels shall be measured in foot-candles with a meter sensor in a horizontal position at an approximate height of three feet above grade. Maximum illumination readings are to be taken directly beneath the luminaire. Readings should normally be taken after a cumulative initial lamp burn-in period of at least 200 hours.
- (12) *Exceptions and exemptions.* The following lighting issues shall be exempt from the standards and regulations of this overlay district:

- (a) Decorative seasonal lighting with a power rating equal to or less than 75 watts for incandescent bulbs or the equivalent of such power ratings for alternative lighting instruments;
 - (b) Seasonal use of miniature light strings, which may be flashing;
 - (c) Low voltage and solar powered landscape lighting;
 - (d) Temporary emergency lighting used by Law Enforcement Officials, Fire Fighters or other emergency services;
 - (e) Vehicle and farm equipment luminaires;
 - (f) Hazard warning luminaires which are required for use by governmental regulatory agencies;
 - (g) Motion sensor lighting where the lamp is not on for a continuous period exceeding five minutes;
 - (h) Ball diamonds, play fields, tennis courts, race tracks and other similar uses, provided the typical hours of operation do not extend past midnight and provided that the lighting shall for such uses be shielded to prohibit light from projecting into the sky and to minimize light and glare from spilling over onto adjacent properties.
- (13) *Non-conforming luminaires.* Except as herein provided, exterior lighting luminaires in existence as of the effective date of this section shall be exempt from the standards and regulations of this section and shall be considered legally non-conforming. Such fixtures may be repaired and maintained, provided however, that if any such non-conforming luminaire is moved or damaged by any means to the extent that its total replacement is necessary, the luminaire, or replacement shall comply with the standards and regulations of this section.

(Ord.No. 4621, § 1, 2-10-2020)

Secs. 54-221-54-300. - Reserved.

ARTICLE III. STANDARDS FOR CONDITIONAL USES

Sec. 54-301. 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.

Sec. 54-302. 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 uses to assure that the proposed development will integrate compatibly 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 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 nonresidential 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.
- (4) Failure to observe and maintain the conditions and restrictions of the conditional use permit shall be considered a violation of this chapter subject to penalty as provided herein and shall be grounds for review of the conditional use permit. Review of a conditional use permit may be requested by the Zoning Official, the Planning Commission or by the City Council. In the event of the review of a conditional use permit as provided herein, a public hearing shall be held by the Planning Commission. Notice for such hearing shall be given in the manner provided for in Neb. Rev. Stat. § 19-904 and § 19-905, as the same may, from time to time, be amended. Following said hearing, the Planning Commission may recommend to leave the conditional use

permit unaltered, revoke the permit, or alter the permit by adding, deleting or modifying the conditions and restrictions contained in the permit. Any recommendation by the Planning Commission following a hearing shall be forwarded to the Hastings City Council, which shall have final authority following a public hearing to leave the conditional use permit unaltered, revoke the permit, or alter the permit by adding, deleting or modifying the conditions and restrictions contained in the permit.

Sec. 54-303. Application Requirements.

- (1) Applications for a conditional use permit shall be submitted to the Development Services Department at least four 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:
 - a. A site plan drawn to scale indicating the property location, scale, north point, adjacent property for a distance of 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. 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. 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.
- (3) 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.

- (4) 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.
- (5) 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, and temporary uses.
- (6) 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.
- (7) 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.
- (8) 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.

Sec. 54-304. 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:
 - i. 1—10 beds ½ acre (21,780 square feet)
 - ii. 11—20 beds 1 acre (43,560 square feet)
 - iii. For each additional ½ acre (or greater if ten 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 percent.
- 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 54-508(2) and Table 508-1 Required Automobile Parking.
- h. Landscaping—All areas of the site not devoted to buildings, structures, parking areas, walkways or driveways shall be covered with one or more of the following: asphaltic compound or concrete, lawn grass, natural or ornamental shrubbery, trees, or other approved landscaping material.
- i. Walls and screening—Where it deems necessary, the City Council may require that the site be fully enclosed by a wall or fence to prevent casual access to and from the site, or that the periphery of the site be suitably screened by evergreen planting or by other natural planting of sufficient height and density to provide and maintain a year-round visual screen. If the conditional use permit is granted, the wall or screening which is approved shall be fully constructed, inspected and approved by the Development Services Director prior to occupancy.

(2) 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 foot contour intervals).

- iii. Finished topographic contours when extraction is completed (not less than ten foot contour intervals).
 - iv. Existing and proposed buildings and structures on the site.
 - v. Principal access points which will be used by trucks, and equipment including ingress and egress points and internal circulation.
 - vi. Indication of the existing landscape features.
 - vii. Location and nature of other operations, if any, which are proposed to take place on the site.
- b. A narrative statement shall also be submitted with the application for a conditional use. Such narrative shall set forth in detail the following definitive information.
- i. Method of drainage.
 - ii. Method of fencing or barricading the petition area to prevent casual access.
 - iii. Estimated amount of material to be removed from the site.
 - iv. Estimated length of time necessary to complete the operation.
 - v. Description of operations or processing which will take place on the site during and after the time the material is extracted.
 - vi. Plan or program of regrading and shaping the land for future use.
 - vii. Proposed hours of operation.
 - viii. Other pertinent information that may pertain to the particular site.
- c. General requirements.
- i. Principal access to the site shall minimize the use of residential streets, and access roads shall be treated in a manner so as to make them dust free; further, where access roads intersect arterial streets, suitable traffic controls shall be established.
 - ii. A strip of land at the existing topographic level, and not less than 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 percent 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.

(3) Junk yards.

- a. The term "junk yard" shall include, for the purposes of this section, the terms autowrecking 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 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 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 acres. The minimum lot width shall be 150 feet.
 - iv. The junk yard shall be completely enclosed and obscured from the public view by a solid fence or wall eight feet in height, by topography, and evergreen planting of sufficient height and density to provide and maintain a year-round visual screen. The specific type of screening shall be specified in the application. If the permit is granted, the screening which is approved shall be fully constructed, inspected and approved by the Development Services Director prior to the yard being utilized.
 - v. Failure to maintain the screen as specified shall be cause for the permit to be rescinded and the junk yard shall be removed at the cost of the owner of the land upon which it is located.
 - vi. Provisions shall be made to prevent any contamination of the domestic water supply or excessive surface run-off from the property onto adjoining lands or streams. Where it deems necessary, the City Council may require the submission of a site drainage plan. A drainage plan which carries water off of the site shall be subject to the approval of the City Engineer.
 - vii. Failure to prevent such contamination of the domestic water supply or to prevent excessive surface run-off from the site onto adjoining lands or streams shall be cause for the permit to be rescinded and the junk yard to be removed at the cost of the owner of the land upon which it is located.

(4) 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 acre.
- c. There shall not be stored in an impound yard at any time more than one vehicle for each (10 × 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 six 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 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 \$100.00 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.

(5) Off-street parking spaces and structures.

- a. A site plan, drawn to scale, shall be provided with the application. Such site plan shall show the location of the principal building or structure, the location of the proposed parking lot or structure, the dimensions of the lot, access points, circulation patterns, total number of parking spaces provided, and the details of the parking structure, if such is contemplated.
- b. The minimum lot size for any off-street parking structure in any district where they are permitted as a conditional use shall be 10,000 square feet, minimum lot width shall be 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 feet in height or screened with privacy fencing at least five 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 feet by 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.

(6) 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.
 - i. Lot area—2,000 square feet
 - ii. Lot width—20 feet
- c. Minimum yard requirements:
 - i. Front yard—20 feet
 - ii. Side yard—at the common wall(s)—none.
 - iii. Other—Ten feet rear yard—Ten feet
- 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. Office buildings—Per use, the minimum to be as provided in Section 54-708(2) and Table 708- 1 Required Automobile Parking. All parking spaces shall be at least eight and one-half feet by 20 feet in size, and all driveways, maneuvering areas and parking areas shall be covered with asphaltic or concrete pavement.
- g. Ground cover—All areas of the site not devoted to buildings, structures, parking areas, courts, walkways or drive-ways shall be covered with one or more of the following: lawn grass, shrubbery, trees or other approved landscaping materials.
- h. Building standards and agreements:
 - i. The applicant or his agent shall provide with his application a property line wall(s) agreement for the land, building and development in question.
 - j. 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 ensure compliance with pertinent Building and Fire Codes.

(7) Standards for mobile home court.

- a. The minimum size of a proposed mobile home court shall be two acres, except as otherwise required for the pertinent use district.
- b. Proposed sites of five acres or less shall have adequate access to dedicated streets having a minimum right-of-way of 60 feet. All other sites shall have direct access to a collector street.
- c. Density for proposed mobile home courts shall not exceed eight 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 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/courts shall meet the standards set forth in article V of this chapter.

(8) Standards for self storage, storage areas.

- 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 54-508 of this chapter for paving requirements.
- iv. Building heights shall be limited to one story (not to exceed 14 feet at the eaves), unless waived for an existing building by the Planning Commission and the City Council.

- v. Buildings shall be separated a minimum of 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 22 feet in the narrowest dimension or 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 32 square feet in area shall be permitted with a maximum height of ten 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 54-804 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 24 months following the date of approval by the Council. If construction has not been started within said 24-month period, the plan shall be null and void unless the time for start of construction has been extended by the Council.

(9) 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 five 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 54-512.
- d. Accessory detached dwellings shall have a minimum habitable area of 850 square feet.
- 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.

(10) 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 20 square feet per recreational vehicle space.
- g. Recreational vehicle parks may have accessory uses and buildings including, but not limited to, restroom and shower facilities, convenience facilities, dump stations, playgrounds, and areas for tenting.
- h. Convenience facilities of a commercial nature may include, but not be limited to, stores and laundry facilities, and shall be subject to the following:

- i. The facilities and related parking shall not occupy more than ten percent of the recreational vehicle park.
 - ii. The facilities shall be located, designed, and operated for the primary purpose of serving the trade or service needs of park patrons.
 - iii. In agricultural and residential mobile home districts, the facilities and any signage shall present no visible evidence of their commercial character in a manner which is apparent from any public street.
- i. Recreational vehicle parks located in agricultural (A) may have signs subject to the requirements of Hastings City Code Section 54-309(5), and recreational vehicle parks located in Commercial Business Districts (C-3) and Light Industrial Districts (1-1) may have signs subject to the limitations of Hastings City Code Section 54-309(6).

(11) Standards for Lodging, Bed and Breakfast.

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 square feet 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. (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 three 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 two 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 six square feet in area.
- 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:
 - a. Title of the drawing;
 - b. North arrow, scale and date;
 - c. Boundaries of the project site;
 - d. Location of all existing or proposed site improvements, including buildings, additions, expansions, driveways, parking area, streets, retaining walls, fences and hedges;

- e. Location of all existing and proposed access and egress drives;
 - f. Location, design and size of all proposed signs and outdoor lighting facilities;
 - g. 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 façade 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 54-801(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:
 - i. Adequacy and arrangement of vehicle traffic access and circulation;
 - ii. Location, arrangement, appearance and sufficiency of off street parking;
 - iii. Location, arrangement, size and design of lighting and signs;
 - iv. Relationship and compatibility of proposed use to uses of adjacent parcels together with their scale;
 - v. Adequacy, type and arrangement of trees shrubs, fences and other landscaping or improvement constituting a visual or noise-deterring buffer between the site and adjacent or adjoining uses;

- vi. 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.

(12) Standards for livestock feeding operations. For the purposes of this subsection, the term "animal unit (AU)" shall mean the relationship of various animals with regard to manure production based upon 1,000 pounds of animal(s) regardless of type. The following relationship with regard to manure production shall be as follows:

Type of Animal	Animal Unit(s)
Beef animal (500—1,200 pounds)	1.00
Beef or dairy calf (150—500 pounds)	0.50
Young dairy stock (500—1,000 pounds)	0.75
Replacement heifers	1.00
Dairy cow	1.40
Horse	2.00
Swine (55 pounds or heavier)	0.40
Swine (less than 55 pounds)	0.04
Swine (sow and litter)	0.50
Sow or boar	0.40
Sheep and goat	0.10
Chicken	0.01
Turkey	0.02
Ostrich	0.40
Llama or alpaca	0.50

- a. The following setbacks and design standards are the minimum sanitation and odor practices for the City of Hastings. In addition, the Hastings City Council, when considering the health, safety, and general welfare of the public, may impose more restrictive requirements. These requirements should consider such things as:
 - i. odor,
 - ii. dust,
 - iii. lighting,

- iv. waste disposal and
 - v. dead livestock.
- b. A conditional use permit may be approved after public notice has been given and public hearing is conducted as required by law.
- c. Agricultural operations of 300 animal units (A.U., equaling one cow or cow-calf pair) and under are considered a farm as defined in these regulations and do not require a conditional use permit.
- d. All existing livestock feeding operations (LFOs) that have been granted a conditional use permit may expand within their designated level; except for the 20,000 and above which requires a new conditional use permit for each expansion beyond 20,000 A.U.s, as outlined in Table 404-1, without applying for another conditional use permit. All new livestock feeding operations and those expanding to the next level shall require a conditional use permit and shall be located no less than at a distance from non-farm residences or other residences not on an owner's property in any affected zoning district as hereafter described:
- i. Livestock feeding operations will be categorized either as environmentally controlled housing operations or open lot operations. Livestock feeding operations having more than one type of feeding operation at one location shall be categorized according to the operation which constitutes the majority of the total operation, measured in A.U.s. Each operation type shall be classified in one of four levels according to total number of animal units (A.U.) in the operation at any one time. Levels will include:
 - 1. Class I facility = 301—1,000 animal units;
 - 2. Class II facility = 1,001—5,000 animal units;

TABLE 304-1: LFO SPACING AND DISTANCE (Distances given in feet)		
Size of Proposed LFO in Animal Units.		Non-farm or Other Residence and Other LFOs (feet)
Class 1 301—1000	EH	1,320
	OPEN	1,320
Class II 1001—5000	EH	5,280
	OPEN	2,640
Class III	EH	5,280

5001—20,000	OPEN	2,640
Class IV	ECH	7,920
20,001 or more	OPEN	3,960
ECH = Environmentally Controlled Housing		
OPEN = Open Lot Operations		

3. Class III facility = 5,001—20,000 animal units; and
 4. Class IV facility = 20,001 or more animal units.
 5. Livestock feeding operations having more than one type feeding operation at one location shall be categorized according to the total number of animal units.
- ii. Livestock feeding operations having more than a 1,000 animal units shall also locate at a distance as specified under the environmentally controlled housing or open lots, in Table 1 from a platted residential area, public park, recreational area, church, cemetery, religious area, school, historical site, and residential district.
 - iii. All livestock feeding operations over 20,000 animal units shall be required to obtain a new conditional use permit prior to any expansion, unless it meets the standards of the exceptions in the exceptions section.
 - iv. The producer shall have a pre-submission meeting with the City of Hastings Development Services Director and City of Hastings Building Inspector to discuss tentative plans and layouts prior to formal submission of the conditional use permit for livestock feeding operations.
 1. The applicant shall submit a proposed site plan and conditions or requirements of this regulation pending approval of application for a proposed operation and waste disposal plan from the Nebraska Department of Environment and Energy (NDEE) or any other applicable state agency.
 2. The applicant shall submit all pertinent materials and designs, as per the conditional use permit application for livestock feeding operations.
 3. The applicant shall file a copy of the proposed operation and maintenance plan and proposed manure management plan. The approved plans shall be submitted after NDEE approval if different from the proposed. Said plans shall be filed with the City of Hastings Development Services Director.

4. The applicant shall also file a copy of all approved NDEE plans and permits with the City of Hastings Development Services Director within 30 days after they are issued by the NDEE.
5. An annual manure management plan shall be submitted to the City of Hastings Development Services Director which shall follow "best possible management practices" as specified by NDEE in order to protect the environment, as well as the health, safety and general welfare of the public and their property values.
6. If stockpiling of animal waste and/or composting of dead carcasses, as per state statutes, are part of the manure management plan, the waste shall be maintained in an area as outlined in Table 1 of this section. Said area shall also have located on the proposed site plan indicated in [Subsection] (a) above.
7. All ground surfaces within outside livestock pens shall be maintained to ensure proper drainage of animal waste and storm or surface runoff in such a manner as to minimize manure from being earned into any roadway ditch, drainage area or onto a neighbor's property.
8. In no event shall any manure storage unit or system be constructed where the bottom of the unit or system is either in contact with or below the existing water table where the unit or system is to be constructed. Application of manure in flooded areas of standing water shall be prohibited.
9. All runoff or waste generated by a livestock feeding operation facility shall be contained within the associated farming operation, or, on the premises upon which the confined feeding facility or feedlot is located. The applicant must verify that all runoff control ponds, lagoons, methods of manure disposal and dust control measures are designed to minimize odor and air pollution, and avoid surface or groundwater contamination as regulated by the State of Nebraska.
10. The setbacks from a livestock feed operation to any non-farm dwelling, other residence or other livestock feeding operation are outlined in Table 404-1.

e. Exceptions:

- i. Any Class I Livestock Feeding Operation use in existence as of the effective date of this provision, and which is located within the minimum spacing distance in Table 1 to any church, school, public use, other livestock feeding operation or single-family dwelling within the current class or to the next class, may expand in animal units and/or land area under a conditional use permit, provided the proposed expansion complies with all of the following limitations:

1. Such expansion will not decrease the distance from the livestock feeding operation use to any church, school, public use, other livestock feeding operation or single-family dwelling not of the same ownership and not on the same premises with said livestock feeding operation which is less than the minimum prescribed spacing distance.
2. Any physical expansion of the existing livestock feeding operation shall be immediately contiguous with the facilities of the existing livestock feeding operation.
3. Such expansion may occur in phases over time, but in no event shall such expansion(s) result in a livestock feeding operation that is more than 50 percent larger in animal units than the one-time capacity of the use which existed as of the effective date of this provision. Any expansion beyond this limitation is prohibited unless a conditional use permit for expansion that meets all requirements is heard by the Planning Commission and authorized by the City Council.
4. If such expansion results in such livestock feeding operation being required to obtain a new construction permit from NDEE, introduction of additional animals shall be prohibited until said permit is issued by NDEE or other applicable or successor agency has been issued and such livestock feeding operation shall be operated at all times in a manner consistent with the requirements of said permit and applicable regulations of this provision.

Exhibit “2”

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Article IV.

54-401. Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Permanent Signs: A sign that is intended to remain in its location for a permanent or indefinite time period. These signs are typically attached to a building, structure, or the ground not easily removed or relocated, and are constructed of durable materials to withstand environmental factors, such as wind.

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

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

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

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

1. **Animated signs:** Signs that consist of beacons, strobe lights, or searchlights; are animated by flashing, blinking, or traveling lights; or anything not providing constant color, brightness, and illumination; and rotating or moving signs; except as applies to permitted electronic copy signs.
2. **Banner sign:** A temporary sign composed of lightweight material; often used in a non-permanent setting such as to announce a grand opening, sale, or special event.
3. **Billboard sign:** A typical type of off-site advertising sign that is a larger than normal pole sign to direct attention to services, products, or information, whether or not related to a use or occupant on the same property.
4. **Blade sign:** A temporary sign available in numerous shapes and sizes but typically in the shape of a feather, teardrop, or rectangular flag.
5. **Building marker sign:** A plaque or signboard attached to, carved into, or painted on a building face identifying the building, commemorating an event, or providing information to pedestrians on the property.
6. **Canopy/Awning sign:** A sign painted on, woven in, or attached to a canopy or awning. Canopies and awnings are roof-like covers that project from the wall of a building providing cover over a door, window, or patio or, in the case of canopies, are freestanding for the purposes of shielding from the elements, such as over a service station island or sidewalk. Canopies and awnings may be made of fabric, plastic, or metal. The terms "canopy and awning" do not include marquee signs.
7. **Double-faced sign:** A sign consisting of no more than two parallel or near parallel faces supported by a single structure. Typically, double-faced signs are meant to be viewed from two opposite directions of travel.
8. **Drive-thru sign:** A permanent sign, whether attached or freestanding, that provides information on products or services or facilitates a business transaction at a drive-through service location.
9. **Electronic Copy sign:** A sign that uses computer-generated messages or some other means of changing the words or message. These signs also include lamps, LEDs, LCDs, or flipper matrices.
10. **Emitting signs:** Signs that emit audible sound, odor, or matter, except as specifically approved for Electronic Copy Signs.
11. **Flag sign:** Signs emblazoned on any type of flag intended to be displayed in a free-flowing manner.
12. **Flashing sign:** A sign that has a lighting source or lighting element that periodically illuminates or is not maintained stationary or constant in intensity or color at all times when the sign is in use, usually in a manner intended to draw attention to the viewer.
13. **Ground sign:** A sign created or painted directly on the ground, including rocks, without a man-made support structure.
14. **Island Canopy sign:** A sign mounted permanently on or under a gasoline island canopy.
 - a. **Canopy Fascia sign:** A sign mounted flush against the vertical plane of a canopy fascia. In no case may the sign project beyond the perimeter of the fascia to which it is attached.
 - b. **Spanner Board sign:** Signs mounted flush against the vertical plane of a spanner board and in no case projecting beyond the perimeter of the spanner board. A spanner board is a structural member extending between two vertical support poles of the gasoline island canopy and permanently mounted to the poles at a height above the gasoline pumps and below the gasoline island canopy.
 - c. **Sign Board sign:** Signage located on sign boards that are permanently mounted on the canopy support poles at a height above the gasoline pumps and below the gasoline island canopy.
15. **Manual Changeable Copy sign:** A permanent sign, or portion of the sign, that has letters or numbers that are manually changed or rearranged without altering the sign's surface or face. This includes reader boards with letters that can be physically moved.

16. Marquee sign: A permanent canopy or roofed structure attached to and supported by a building that projects over an entrance. The sign type is often illuminated and ornate and incorporates a permanent, large, changeable message center.
17. Monument sign: Any permanent freestanding sign that is detached from a building or structure and sits on the ground on a solid appearing base with no exposed structural supports.
18. Moving sign: A sign that conveys its message through rotating, changing, or animated elements.
19. Nonconforming sign, legal: A sign that was legally erected prior to the adoption of this chapter but which violates the regulations of this chapter.
20. Off-Site Advertising sign: A sign directing attention to a specific business, product, service, organization, person, entertainment, event or activity, or other commercial activity that is not sold, produced, manufactured, furnished, or conducted at the property where the sign is located. It is also known as a billboard, off-site advertising, or outdoor advertising sign.
21. Pedestrian sign: A pedestrian sign is wholly dependent upon a canopy, awning, or building projection located above a pedestrian walkway to which it is attached.
22. Pole sign: A freestanding sign visibly supported by one or more poles that are placed on or anchored permanently in the ground or other surface independent from any building or other structure.
23. Portable sign: A freestanding and self-supporting moveable sign normally placed near a public street.
24. Poster sign: A type of portable sign mounted on stakes or spikes intended to be stuck into the ground and used as a freestanding temporary sign.
25. Projecting sign: A sign that is wholly or partly dependent upon a building for support and that projects at an angle away from the building so that the leading edge extends more than six inches beyond the building wall.
26. Roof sign: A building-mounted sign erected upon or completely over the roof of a building or extending above a parapet or cornice.
27. Sidewalk sign: A freestanding and self-supporting moveable sign designed to be displayed on a sidewalk or area outside of and adjacent to a place of business and oriented toward pedestrians and slow-moving traffic.
28. Snipe signs: Signs that are attached to a tree or utility pole.
29. Street Banner sign: A temporary banner sign installed by the city over a public street.
30. Vehicular sign: A sign affixed to a vehicle in such a manner that the sign is used primarily as a stationary advertisement for the business on which the vehicle sits and the sign is not otherwise incidental to the vehicle's primary purpose.
31. Unipole: An advertising sign (usually a billboard) with a frame structure that is mounted atop a single steel pole or column.
32. Wall sign: A building-mounted sign attached to, displayed, or painted on an exterior wall in a manner parallel with the wall surface, which does not project more than 16 inches from the wall surface.
33. Wayfinding sign: A type of sign that allows users to find their way, using information provided along the travel path.
34. Window sign: A sign that is painted on, attached to, or suspended directly behind or in front of a window or the glass portion of a door.

Sign Category Definitions:

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

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

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

54-402. Purpose and Applicability

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

B. Applicability.

1. *Where Allowed.* Signs are allowed in the City and the extraterritorial jurisdiction in accordance with this Section, which applies to all signs that are visible from public property, a public right-of-way, or public travel/access easement. Signs that are not allowed by the Section are prohibited.
2. *Sign Permit Requirement.* No sign, except for normal repair, and signs listed in *subsections 54-402(B)(9), Exemptions* and *54-402(B)(10), Signs Exempt from Sign Permit Requirements*, shall be painted, constructed, installed, expanded, erected, remodeled, or relocated until a sign permit for such sign has been obtained pursuant to the procedures described in this section.
3. *Sign Permit Application and Fee.* Each application for a sign permit shall be on the written or digital form provided by the City and accompanied by the sign permit fee.
4. *Sign Permit Review Standards.* A sign permit shall be issued for a complete application that complies with all applicable provisions of *Sec. 54-402, Purpose and Applicability*.
5. *Denial or Revocation.* The Director of Development Services, or designee, may deny or revoke a sign permit for any of the following reasons.
 - a. Failure to submit a complete application and/or the required application fee.
 - b. Failure of the sign to comply with this code or the terms of the permit.
 - c. Failure to permit the City access to inspect the sign for compliance.
 - d. Fraud, misrepresentation, or a false statement in the sign permit application.

6. *Notice of Denial or Revocation of a Sign Permit.*
 - a. *Notice.* Any notice shall, at a minimum, state the reason(s) for the denial or revocation and notify the addressee of the right to appeal the denial or revocation according to *Article X. – Administration, Enforcement, and Appeals.*
 - b. *Denial.* The Director of Development Services, or designee, shall send the applicant written notice of denial to the applicant at the address provided on the application form.
 - c. *Revocation.* The Director of Development Services shall send a written notice of the revocation of a sign permit to the sign permit holder at the address provided on the application and to the property owner's address according to the records of the county in which the sign is located.
7. *Expiration.* A sign permit expires under any of the following conditions.
 - a. The sign has not been completely attached, changed, constructed, installed, placed, or relocated within 180 days from the date of the issuance of the sign permit.
 - b. The use associated with the sign is abandoned.
 - c. The sign is removed or abandoned, as described in *Sec. 54-404, Maintenance, Repair, Removal, and Abandonment.*
8. *Sign Permit Fee Refund.* The sign permit application fee will not be refunded if a sign permit expires or is denied or revoked.
9. *Exemptions.* This Section does not apply to the following signs, except for the traffic and maintenance requirements described in *Sec. 54-404, Maintenance, Repair, Removal, and Abandonment*, and *Sec. 54-406, General Provisions.*
 - a. Art, as defined by the City's Code of Ordinance.
 - b. Address numerals and other signs, required to be maintained by law or governmental order, rule, or regulations, provided the size of the sign does not exceed the requirements of such law, order, rule, or regulation.
 - c. Noncommercial flags or emblems displayed on public or private property, as applicable.
 - d. Holiday or seasonal decorations.
 - e. Signs placed or authorized by the city, county, state, or federal government for the protection of public health, safety, and general welfare.
 - f. Scoreboards in athletic stadiums.
 - g. Letters, logos, and/or graphics located on the bottom six inches of an awning, provided they are not more than six inches in height and consist of no more than one line.
 - h. Small permanent signs not exceeding five square feet in area that are permanently displayed on private property for the convenience of the public, including signs to identify entrances and exit drives, freight entrances, parking areas, one-way drives, restrooms, and the like.
 - i. Any sign displayed within a building. This includes signs affixed to the interior of a window.
 - j. Temporary seed or crop identification signs.
 - k. Tablet and monument signs.
 - l. Messages displayed on equipment, such as fuel pumps, vending machines, or collection boxes that do not display off-premise commercial messages, are located entirely on the equipment and do not extend from the surface of the equipment.
10. *Signs Exempt from Sign Permit Requirements.* The following signs shall be exempt from the sign permit requirements of *Subsection 54-407, Specific Sign Type Standards* but shall comply with all other requirements of this article and the applicable district regulations.
 - a. Temporary Signs.
 - b. Permanent Signs under five square feet.

- c. Signs located on a property used for agricultural purposes and pertaining to the sale of agricultural products produced on the property.

11. *Substitution of Messages.*

- a. Subject to the consent of the party responsible for the sign, a non-commercial message of any type may be substituted, in whole or in part, in place of any commercial message or non-commercial message, provided that the sign and sign structure otherwise meet the requirements of this Division without consideration of message content. Such a substitution may be made without any additional approval or permitting. This provision prevails over any more specific provision to the contrary within this Division.
- b. This provision does not create a right to increase the total amount of signage on a parcel; does not affect the requirement that a sign structure, mounting device, and method or type of display of the message are properly permitted; does not allow a change in the physical structure of a sign, its mounting device, or the method or type of display of the message; and does not allow the substitution of any off-site commercial message in place of an on-site commercial message or a non-commercial message.

12. *Prohibited Signs.*

- a. *Animated Signs.* Signs which consist of beacons, strobe lights, or searchlights; or are animated by flashing, blinking, or traveling lights; or anything not providing constant color, brightness, and illumination; and rotating or moving signs; except as applies to permitted Electronic Copy signs.
- b. *Misleading Signs or Signs Impacting Traffic Safety.* Signs, including signs located inside a building, which, because of position, size, shape, illumination, or color, may obstruct, impair, obscure, interfere with the view of, or be confused with any traffic control sign, signal, or device, or which may interfere with, distract, mislead, or confuse traffic. No sign may be installed in a way that obstructs a clear vision of persons using the streets or may be confused with any authorized traffic sign, signal, or device. No sign, other than a governmental sign, which makes use of the words “Stop”, “Look”, “Danger”, or any other word, phrase, symbol, or character which may interfere with, distract, mislead, or confuse persons, may be visible from a public street, travel easement or private drive.
- c. *Vehicles and Trailers used as Signs.* Signs that are placed on or painted on a vehicle or trailer whose primary function is to serve as a sign rather than as a vehicle or trailer used in the day-to-day operation of a business. Such vehicles or trailers may not be driven on the city streets and must not be parked to be visible from any public street or private drive in the city.
- d. *Signs in Rights-of-Way.* Signs in the public rights-of-way and/or public travel easements unless otherwise specifically permitted by this Subsection. No sign exempt from this Division may be permitted within the public rights-of-way and/or public travel easements.
 - 1. Street Banner Signs are prohibited, except when erected by the City or authorized by an agreement entered into between the City and the sign owner.
 - 2. Sidewalk Signs are only allowed upon the public streets and rights-of-way according to and in compliance with the terms and conditions of a currently valid permit for the temporary use of a municipal sidewalk or public plaza issued by the City pursuant to Sec. 54-407(C)(13).
- e. *Emitting Signs.* Signs that emit audible sound, odor, or matter, except as specifically approved for digital animated signs.
- f. *Snipe Signs.* Signs that are attached to a tree or utility pole.
- g. *Prohibited Signs.* Signs that are prohibited or not specifically allowed by or exempted from these regulations.

13. Appeals of Decisions for a Proposed Sign. Any decision made by the Director of Development Services regarding the denial of a sign permit or requirements to address maintenance, repair, or abandonment of a sign can be appealed to the Board of Adjustment following the procedures outlined in *Art. IX – Administration, Enforcement, and Appeals*.

54-403. Enforcement

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

54-404. Maintenance, Repair, Removal, and Abandonment

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

54-405. Measurements and Calculations

A. Method of Measurement.

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

54-406. General Standards

A. Illumination.

1. *External Illumination.* When installed, the light source must be positioned in such a manner that light does not trespass onto an adjoining property or onto a public street or highway following the lighting provisions of *Section 54-705(6), Lighting.*
2. *Internal Illumination.* The average surface illumination of any sign face from dawn to dusk shall not exceed 3.0-foot candles.
3. *Illumination Curfew.* Illuminated signs shall be equipped with a sensor, timer, or other device to automatically adjust the day/night light intensity levels per these standards. Night time illumination shall not exceed 0.3-foot candles over ambient lighting conditions.

- B. Vision Triangle.** No sign or sign structure shall be built to a height of more than two feet above the established curb grade on the part of the lot within a vision clearance zone. The vision clearance zone shall be defined in Hastings City Code *Section 54-705 (5)(d), Visibility at intersections.*

54-407. Specific Sign Type Standards

A. Temporary Signs.

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

B. Electronic Copy Signs

1. *Location.* Electronic Copy signs are subject to the following location restrictions:
 - a. The sign may be located on a principal building façade.
 - b. The sign may be part of a monument or pole sign for which the electronic copy portion is part of the continuous display of the monument or pole sign.
 - c. The sign cannot be located within 150 linear feet of property in the A, Agriculture District; R-1, Single-Family Residential District, R-1A, Single-Family Large Lot Residential District, or R-1S, Single-Family Suburban Acreage Residential District.
2. *Duration of Message, Transition, and Animation.*

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

C. Sidewalk Signs

1. A Sidewalk Sign is a temporary sign located on a public sidewalk, public plaza, or other pedestrian walkway.
2. A Permit To Occupy Or Use City Street Right-of-Way must be issued before erecting the sign.
3. The sign shall not be more than nine square feet in area.
4. The sign shall be no more than six feet tall, as measured from the sidewalk surface.
5. The sidewalk sign can only be located in front of the adjoining establishment holding the permit, and must not extend into abutting or adjacent properties.
6. The sidewalk sign cannot be placed in or protrude into any street or alley. The sign must be movable, supported by its own frame, and not secured or attached to the ground or the surface upon which it is located. The sign must be designed to prevent being blown over or knocked over.
7. The sidewalk sign must not create a fire hazard or interfere with ingress or egress from any building.
8. The sidewalk sign must not interfere with the area's compliance with the Americans with Disabilities Act, as amended. At a minimum, the sidewalk sign must allow five feet of clear and unobstructed passageway on the sidewalk or public plaza between the outermost edge of the permitted sidewalk signs or other objects and the curb, streetlamps, lamp posts, sign posts, or other fixtures or obstructions. The City's Director of Engineering may impose additional requirements to ensure compliance with the Americans with Disabilities Act or to protect traffic safety, or pedestrian safety or passage.
9. The sidewalk sign must be located a minimum of five feet from driveways and alleys, and 10 feet from intersections of public streets, except the City's Director of Engineering, may modify these requirements where the only public entrance to the establishment is on the corner of the building adjoining such intersections and the modification(s) maintain traffic safety, pedestrian safety and passage. The Director of Engineering may impose additional requirements to protect traffic safety, pedestrian safety, or passage.
10. The sidewalk sign must be limited to referencing or advertising food, beverages, services, or merchandise that is sold, displayed, or provided inside the permit holder's adjoining establishment.

11. The sidewalk sign may only be placed within the permit area during the normal business hours of the permit holder's establishment, but in no case will items be located in the permit area between 11:00 p.m. and 6:00 a.m.
12. Use of the permitted area must conform to applicable laws, city ordinances, and zoning regulations.
13. The city and the permit holder shall execute a temporary use of city property agreement for the use of the sidewalk or public plaza that shall include all conditions of this article and other conditions based upon the particular location and/or use. The agreement shall provide that the temporary use is subordinate to the city's use of the sidewalk or public plaza. The agreement shall provide that the permit holder agrees to at all times save and hold harmless the city from all liability, costs, damages, and expenses of any kind, for the payment of which the city may become liable to any person, firm, or corporation because of any claim, or damages arising from the failure of the permit holder, its employees, agents, servants, invitees, and patrons to exercise due care and diligence in the use of the sidewalk or public plaza.

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

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

54-408. Signs in the A, Agricultural District

- A. **Permitted On-Premises Signs:** Awning, canopy, electronic copy, monument, pole, temporary, wall, and window signs.
- B. **Permitted Off-Premises Signs:** See Sec. 54-419, *Off-Premises Advertising Signs*.
- C. **Number of Signs Permitted:**
 - 1. *Lots under five acres:* No more than two permanent signs.
 - 2. *Lots of five acres or more:* No more than three permanent signs.
 - 3. *Temporary signs:* Two temporary signs per lot.
- D. **Maximum Sign Area:**
 - 1. *Awning, Canopy, and Wall Signs:* The total surface area of all signs of these types may not exceed 20 percent of the total surface area of the building façade the signs are attached to, provided that no sign may exceed 260 square feet in area.
 - 2. *Electronic Sign:* 32 square feet.
 - 3. *Monument Sign:* 96 square feet.
 - 4. *Pole Sign:* 150 square feet.
 - 5. *Temporary Sign:* 32 square feet.
 - 6. *Window Sign:* 30 percent of the window area that the sign is attached to.
- E. **Height Standards:**
 - 1. *Awning and canopy signs:* Shall not extend above, below, or beyond the awning or canopy it is attached to.
 - 2. *Electronic copy sign:* Must follow the sign height requirements for the most similar sign type (i.e., wall sign or pole sign).
 - 3. *Monument sign and Temporary sign:* Maximum height of six feet.
 - 4. *Pole sign:* Maximum height of 15 feet.
 - 5. *Wall sign:* Shall not project above the building façade it is attached to.
 - 6. *Window sign:* Window signs may only be displayed on the ground floor of the building.
- F. **Required Sign Setback:** Five feet from any property line.
- G. **Illumination:** All permanent signs may be internally or externally illuminated. Temporary signs cannot be illuminated.

54-409. Signs for Institutional and Conditional Uses in Residential Districts.

- A. **Permitted On-Premises Signs:** Electronic copy, manual changeable copy, monument, pole, temporary, and wall signs.
- B. **Number of Signs Permitted:**
1. *Electronic Copy Sign:* One sign per lot.
 2. *Monument or Pole Signs:* One sign per street frontage.
 3. *Temporary Sign Affixed to a Wall:* One sign per street frontage.
 4. *Temporary Sign Affixed to the Ground:* Two signs per street frontage.
 5. *Wall Sign:* Two signs per street frontage.
- C. **Maximum Sign Area:**
1. *Electronic Copy or Manual Changeable Copy Signs:* 32 square feet, which must be included in the calculations of the total sign area.
 2. *Monument or Pole Signs:* 40 square feet, except that a Bed and Breakfast is limited to a maximum of a 12 square foot sign.
 3. *Temporary Sign Affixed to a Wall:* 32 square feet.
 4. *Temporary Sign Affixed to the Ground:* Two signs per street frontage.
 5. *Wall Sign:* 40 square feet, except that a Bed and Breakfast is limited to a maximum of a 12 square foot sign.
- D. **Height Standards:**
1. *Electronic Copy or Manual Changeable Copy Signs:* Must follow sign height requirements for the most similar sign type (i.e., wall sign or monument sign).
 1. *Monument Sign and Temporary Sign Affixed to the Ground:* Maximum height of six feet.
 2. *Pole Sign:* Maximum height of 15 feet.
 3. *Wall Sign or Temporary Sign Affixed to a Wall:*
 - a. Residential uses: Maximum height of 10 feet.
 - b. All other uses: Below the roof eave overhang.
- E. **Required Sign Setback:**
1. *Electronic Copy or Manual Changeable Copy Signs:* 15 feet from any property line.
 2. *Monument or Pole Signs:* 15 feet from any property line.
 3. *Temporary Sign Affixed to the Ground:*
 - a. Front Yard: Zero feet.
 - b. Side and Rear Yard: 15 feet.
 4. *Wall Sign or Temporary Sign Affixed to a Wall:* Shall follow the established setbacks of the principal structure.
- F. **Illumination:**
1. All permanent signs associated with residential uses may be externally illuminated.
 2. A monument sign associated with all other uses may be internally or externally illuminated.
 3. A wall sign associated with all other uses may be externally illuminated, or internally illuminated utilizing halo lit or reverse channel lit signs.
 4. A manual changeable copy sign may be internally or externally illuminated.
 5. Temporary signs cannot be illuminated.

54-410. Signs in the Residential Districts R-1, R-1A, R-1S, R-2

A. **Permitted On-Premises Signs:** Monument, wall, and temporary signs.

B. **Maximum # of Signs:** Four.

C. **Maximum Sign Area:**

1. *Wall Signs:* Four square feet.
2. *Monument Sign:* 24 square feet.
3. *Temporary Sign:* Six square feet.

D. **Height Standards**

1. *Monument and Temporary Signs:* Maximum height of six feet.
2. *Wall Signs:* Shall not project above the building façade it is attached to.

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

F. **Illumination:** All permanent signs may be externally illuminated. Temporary signs cannot be illuminated.

54-411. Signs in the Residential Districts R-3

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

B. Number of Signs Permitted:

1. *Awning and Canopy Signs*
 - a. *Single-family dwellings; detached, semi-attached, attached, and manufactured homes:* Not permitted.
 - b. *Multiple-family dwellings within one structure:* One sign per street frontage.
 - c. *Multiple-family dwellings complex consisting of multiple buildings:* One sign per street frontage.
2. *Monument Sign*
 - a. *Single-family dwellings; detached, semi-attached, attached, and manufactured homes:* One sign per dwelling unit.
 - b. *Multiple-family dwellings within one structure:* One sign per street frontage.
 - c. *Multiple-family dwellings complex consisting of multiple buildings:* One sign per street frontage and one sign per driveway entrance, not to exceed two signs per street frontage.
3. *Temporary Sign*
 - a. *Single-family dwellings; detached, semi-attached, attached, and manufactured homes:* One sign per dwelling unit.
 - b. *Multiple-family dwellings:* One sign per street frontage.
4. *Wall Sign*
 - a. *Single-family dwellings; detached, semi-attached, attached, and manufactured homes:* One sign per dwelling unit.
 - b. *Multiple-family dwellings:* One sign per street frontage.

C. Maximum Sign Area:

1. *Awning and Canopy Signs*
 - a. *Single-family dwellings; detached, semi-attached, attached, and manufactured homes:* Not permitted.
 - b. *Multiple-family dwellings:* 10 square feet per building.
2. *Monument Sign*
 - a. *Single-family dwellings; detached, semi-attached, attached, and manufactured homes:* Six square feet.
 - b. *Multiple-family dwellings within one structure:* 20 square feet.
 - c. *Multiple-family dwellings complex consisting of multiple buildings:* 40 square feet.
3. *Temporary Sign*
 - a. *Single-family dwellings; detached, semi-attached, attached, and manufactured homes:* Six square feet.
 - b. *Multiple-family dwellings within one structure:* 24 square feet.
 - c. *Multiple-family dwellings complex consisting of multiple buildings:* 32 square feet.
4. *Wall Sign*
 - a. *Single-family dwellings; detached, semi-attached, attached, and manufactured homes:* Two square feet.
 - b. *Multiple-family dwellings:* Six square feet per building.

D. Height Standards:

1. *Awning and Canopy Signs.*
 - a. *Single-family dwellings; detached, semi-attached, attached, and manufactured homes:* Not permitted.

- b. *Multiple-family dwellings*: Minimum height of eight feet.
- 2. *Monument and Temporary Signs*: Maximum height of six feet.
- 3. *Wall Sign*: Below the roof eave overhang.

E. Required Sign Setback

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

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

54-412. Signs in the CO, Commercial Office Non-Retail District

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

B. **Number of Signs Permitted**

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

C. **Maximum Sign Area:**

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

D. **Height Standards:**

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

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

F. **Illumination:**

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

54-413. Signs in the C-1, Local Business District

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

B. **Number of Signs Permitted:**

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

C. **Maximum Sign Area:**

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

D. **Height Standards:**

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

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

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

54-414. Signs in the C-2, Central Business District

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

B. **Number of Signs Permitted:**

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

C. **Maximum Sign Area:**

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

D. **Height Standards:**

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

E. **Required Sign Setback:**

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

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

G. **Misc. Use Limitation:**

1. **Historic marquee:** Existing marquee signs refer to *Section 54-420(E), Standards for Historic Signs*.

54-415. Signs in the C-3, Commercial Business District

- A. Permitted On-Premise Signs:** Awning, canopy, electronic copy, island canopy, manual changeable copy, monument, pole, sidewalk, temporary, wall, and window signs.
- B. Permitted Off-Premise Signs:** See Sec. 54-419, Off-Premise Advertising Signs.
- C. Number of Signs Permitted:** No limitation, except:
1. *Awning and Canopy Signs:* No more than three per building façade.
 2. *Electronic Copy or Manual Changeable Copy Signs:* One per lot.
 3. *Island Canopy Sign:*
 - i. *Canopy Fascia:* No more than two signs per canopy fascia.
 - ii. *Spanner Board Signs:* No limit. Must be permanently mounted on or between the canopy support poles and in all cases below the canopy.
 4. *Monument or Pole Sign:* One per lot or parcel per street frontage.
 5. *Sidewalk Sign:* One per business.
 6. *Temporary Sign:* Three per lot.
- D. Maximum Sign Area:** The total surface area of all signs on street frontage may not exceed four square feet for each linear foot of street frontage, provided no single sign may be greater than 260 square feet in surface area. The total allowed sign areas may not be combined and applied, in whole or in part, to one street frontage on lots or parcels with more than one street frontage. The following individual sign standards are included in the calculation of the total surface area of all signs:
1. *Awning, Canopy, and Wall Signs:* The total surface area of all signs on a building façade may not exceed 20 percent of the building façade the signs are attached to.
 2. *Electronic Copy and Manual Changeable Copy Signs:* 32 square feet.
 3. *Island Canopy Sign:*
 - i. *Canopy Fascia Sign:* The total surface area of all signs on a single common canopy fascia may not exceed 30 percent of the area the canopy fascia signs are attached to.
 - ii. *Spanner Board Sign:* The total surface area may not exceed a total of 50 square feet of signage per island canopy.
 4. *Monument Sign:* 96 square feet.
 5. *Pole Sign:* 150 square feet.
 6. *Window Sign:* 30 percent of the window area the sign is attached to.
- E. Height Standards:**
1. *Awning and Canopy Signs:* May not extend above, below, or beyond the awning or canopy structure, or above the highest point of the wall the sign is attached to.
 2. *Electronic Copy and Manual Changeable Copy Signs:*
 - a. Attached to a building façade: Maximum height of 14 feet, or the top of the façade, whichever is less.
 - b. Attached to a pole sign: Maximum height of 40 feet.
 - c. Attached to an island canopy: May not project above, below, or beyond the canopy fascia.
 3. *Island Canopy Sign:* May not extend above, below, or beyond the perimeter of the island canopy.
 4. *Spanner Board Sign:* Permanently mounted on or between the canopy support poles and in all cases below the canopy.
 5. *Monument and Temporary Signs:* Maximum height of six feet.
 6. *Pole Sign:* Maximum height of 40 feet.
 7. *Wall Sign:* May not project above the building façade to which the sign is attached to.
 8. *Window Sign:* Window signs may only be displayed on the ground floor of the building.

F. Required Sign Setback:

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

G. Illumination:

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

54-416. Signs in the I-1, Light Industrial District, and I-2, Heavy Industrial District

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

B. Permitted Off-Premises Signs: See Sec. 54-419, *Off-Premises Advertising Signs*.

C. Number of Signs Permitted:

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

D. Maximum Sign Area:

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

E. Height Standards:

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

F. Required Sign Setback:

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

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

54-417. Signs in the CMP, Campus Institutional District

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

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

B. Number of Signs Permitted:

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

C. Maximum Sign Area:

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

D. Height Standards:

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

E. Required Sign Setback:

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

F. Illumination:

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

54-418. Signs in the PD, Planned District

- A. **Established by Ordinance:** The regulations pertaining to signage located in a planned development district shall be set forth in the ordinance establishing the PD.
- B. **Sign Types:** The applicant shall identify permitted, temporary, and prohibited signs as a part of the detailed development plan application documents. In establishing such regulations, the Planning Board shall, as a general rule, consider:
 - 1. *Residential PDs:* The restrictions apply as set out in the most applicable of:
 - a. *Sec. 54-410, Signs in the Residential Districts R-1, R-1A, R-1S, R-2, or*
 - b. *Sec. 54-411, Signs in the Residential District R-3.*
 - 2. *Commercial PDs:* The restrictions apply as set out in the sign provisions of the C-O, C-1, C-2, or C-3 districts that are most similar in nature and character to the proposed PD; or
 - 3. *Industrial PDs:* The restrictions apply as set out in *Sec. 54-416. Signs in the I-1, Light Industrial District, and I-2, Heavy Industrial District.*
- C. **Amendments:** Signs in a PD may be amended by the City Council, as recommended by the Planning Commission, through the processes set out in *Sec. 54-215, P.D. Planned District.*

54-419. Off-Site Advertising

A. **Permitted Districts:** A, C-3, I-1, I-2, PD.

B. **Permitted Off-Premises Advertising Signs:** Electronic copy, monument, pole, and wall signs.

C. **Sign Separation Distances:** The following distances are measured from one sign's extremity to another:

1. The minimum separation distance between two electronic copies of off-site advertising signs is 5,000 feet.
2. The minimum separation distance between an electronic copy, off-site advertising sign, and all other off-site advertising signs is 800 feet.
3. The minimum separation distance between all off-site advertising signs that are not electronic copy signs is 800 feet.

D. **Separation from Residential Districts:** Off-site advertising signs may be no closer than 200 feet to a residential district.

E. **Required Sign Setback:**

1. *Front Yard and Rear Yard:* 25 feet
2. *Side Yard:* Must follow the applicable minimum side yard setback requirements, as cited in Article II. – *District Regulations*.

F. **Maximum Surface Area:** 378 square feet.

G. **Height Standards for All Off-Premises Advertising Signs:**

1. *Wall sign:* Must not project above the building façade it is attached to.
2. *Monument sign:* Maximum height of six feet.
3. *Pole sign:* Maximum height of 30 feet.

H. **Illumination:** Except for electronic copy of the off-premises advertising signs, the off-premises advertising signs must be externally illuminated.

1. The external illumination must be directed upward.

I. **Use Limitations:**

1. Off-premises advertising signs must be:
 - a. Located on a parcel, tract, or lot that conforms to the minimum lot size requirements of the zoning district in which the sign is located.
 - b. Oriented towards the abutting street.
 - c. Constructed using an unipole design, except for wall signs.
2. The surface area of the off-premises advertising pole sign does not count toward the permitted maximum surface area for all signs associated with a separate principal use located on the same property.
3. The surface area of off-premises advertising monument signs and wall signs shall count toward the total permitted surface area for all signs associated with a separate principal use located on the same property.
4. Off-premises advertising sign faces must not be placed side by side or stacked vertically.
5. Double-faced off-premises advertising signs having nonparallel faces must be constructed so that the angle between the sign faces does not exceed 24 degrees and the total distance between the open ends of the faces does not exceed 10 feet.
6. Off-premises advertising signs must not incorporate digital animated signs.

7. Any trim surrounding an off-premises advertising sign face and any extension(s) of the display surface must be included in the maximum allowed surface area. The sign base, structural members, and supports shall be excluded from the maximum surface area, provided they are not part of the display message.
8. *Digital Graphic Off-Premises Advertising Sign:*
 - a. *Duration of Message and Transition.* The sign message must remain static for at least 20 seconds. The transition from one message to the next must be direct and immediate, without special effects, including dissolving, fading, scrolling, starbursts, and wiping.
 - b. *Image Characteristics.* Signs must have a pitch no greater than 20 millimeters between each pixel.
 - c. *Luminance.* During daylight hours (i.e., between sunrise and sunset), luminance cannot exceed 5,000 nits. During nighttime hours (i.e., between sunset and sunrise) luminance cannot exceed 500 nits. All signs with a digital display having illumination by means other than natural light must have an automatic dimmer or other mechanism that automatically controls the sign's brightness to comply with these requirements.
 - d. *Conversion of Billboards.* The conversion of an existing off-premises advertising sign to a digital graphic off-premises advertising sign is not considered "maintenance" for purposes of Sec. 54-404 *Maintenance, Repair, Removal, and Abandonment*. Such conversions are subject to the permitting and requirements of this Section.
 - e. *Permitting.* A sign permit is required to install a new digital graphic off-premises advertising sign or convert an existing static off-premises advertising sign to a digital graphic off-premises advertising sign. The sign permit applicant must provide the following information in writing or through site or elevation drawings, as applicable:
 1. The location and size in square feet of the sign to be installed or converted.
 2. The location and size, in square feet, of the existing off-premises advertising sign to be removed.
 3. Stamped drawings from a professional engineer licensed in the State of Nebraska showing required structural improvements, upgrades, or alterations to support the weight of the added digital technology necessary for a new or converted digital graphic off-premises advertising sign.
 4. A statement that the sign(s) being removed meet the removal criteria of *subparagraph 54-419-1-8f*, below.
 - f. *Removal Criteria for Digital Graphic Off-Premises Advertising Sign:* The permit applicant must, at their sole expense, conform to the following:
 1. Remove at least three off-premises advertising signs, either conforming or nonconforming, in the city limits of Hastings, Nebraska, at the same time as the digital graphic off-premises advertising sign is installed or erected. The conversion of an existing off-premises advertising sign to a digital graphic off-premises advertising sign does not count as removal.
 2. Removal of nonconforming off-premises advertising signs in a zoning district where these signs are no longer permitted is preferred.
 3. If the owner/applicant fails to remove the required off-premises advertising signs within 30 days of completion of the new or converted digital graphic off-premises advertising sign, such failure shall result in a violation of this section and grounds for revocation of the applicant's sign permit. For this Paragraph, construction or conversion of a digital graphic off-premises advertising sign shall be deemed complete when all supporting structures, cabinets, and electronic fixtures are installed, even if messages have not yet begun displaying on the digital graphic off-premises advertising sign.

54-420. Nonconforming Signs

- A. **Continuation of Nonconforming Signs:** A nonconforming sign may continue to exist as a nonconforming sign, except as provided in this Section. A sign that does not comply with these regulations, and is not a nonconforming sign as defined, shall be considered unlawful.
- B. **Alteration or Repair of Nonconforming Signs:** A nonconforming sign may not be altered or repaired unless the nonconforming sign is brought into compliance with all applicable regulations, except as follows:
1. *Change of copy.* The alteration or change of the copy of a nonconforming sign by replacing sign panels shall be permitted, as long as such alterations or changes do not change the sign's dimensions, structure, type of illumination, or operational characteristics, or otherwise increase its area.
 2. *Repair or replacement.* The repair or replacement of a nonconforming sign, which is necessary due to non-criminal activity or due to actions or inactions that are not attributed to the sign owner or property owner, shall be permitted, as long as the repair or replacement does not change the sign's dimensions, structure, type of illumination, or operational characteristics, or otherwise increase its area. In the case of replacement, a sign permit shall be required.
 3. The normal maintenance and repair of a nonconforming sign, as required by *Sec. 54-904 Maintenance, Repair, Removal, and Abandonment*, shall be permitted, as long as the normal maintenance and repair do not change the sign's dimensions, structure, type of illumination, or operational characteristics, or otherwise increase its area.
- C. **Loss of Nonconforming Status:** Notwithstanding any other provision of this Section, a nonconforming sign shall lose its nonconforming status and must thereafter comply with all applicable requirements in either of the following circumstances:
1. If the nonconforming sign is removed due to actions or inactions that are attributed to the sign owner or property owner, pursuant to *Sec. 54-404, Maintenance, Repair, Removal, and Abandonment*; or
 2. If the nonconforming sign is abandoned, pursuant to *Sec. 54-404, Maintenance, Repair, Removal, and Abandonment*.
- D. **Signs for Legal Nonconforming Uses:** Any new or additional sign for a nonconforming use must comply with this Section, for the zoning district that the nonconforming use is located within. Provided that any new or additional sign to be installed for a nonconforming use that would not comply with this Division may be approved through a conditional use permit.
- E. **Standards for Historic Signs:** Signs that contribute to the historical significance of a registered historic building or a designated historic district that does not meet the minimum standards of this Chapter shall be treated as nonconforming signs.
1. The nonconforming historic sign is allowed to continue and be in accordance with this section.
 2. If the sign is damaged for any reason, the sign may be repaired or replaced, so long as the sign does not change in type, size, illumination, or other characteristics. Essentially, the historic sign must be replaced exactly as it historically appeared.
 - a. The internal workings of the sign, such as electrical systems, may use modern technology. However, the appearance of the sign must be identical to its historical appearance.
 3. If verifiable historical evidence can be provided that a sign, which would be considered nonconforming by these regulations, was permitted on a building in the C-2, Central Business District. A replica of that sign, including sign type, size, and other characteristics, shall be permitted, as a historic sign. The Development Services Director may prohibit this type of sign if it is deemed unsafe.

Article V.

Sec. 54-501. Small wind energy systems.

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

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

13. The wind generator system shall not have any illumination unless required by FAA regulations or guidelines.
14. Any climbing devices shall be removed below 12 feet to prevent unauthorized climbing.
15. The tower shall be freestanding without the aid of guy wiring.
16. Turbine blades, whether horizontal or vertical shall be a minimum of 12 feet above the adjacent grade.
17. All communications and connector lines associated with the installation shall be buried. If obstacles prevent an underground installation, the applicant shall receive a waiver from City Council.

Article VI. Nonconformities

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Sec. 54-601, Purpose, Policy, and Applicability

- A. **Purpose.** The purpose of this Article is to enable development that is consistent with the Hastings Comprehensive Plan by regulating uses, structures, lots, and site development that do not conform to one or more standards of this Chapter, but meet the definition of nonconformity.
- B. **Policy.** This Article is intended to allow property owners the reasonable use of their nonconforming property or use. The general policy of the City for nonconformities is to :
1. Allow them to continue to exist and be used productively, but to bring as many aspects of the nonconformity into compliance with this Article, and other applicable standards and codes, as is reasonably practicable.
 2. Allow them to be maintained to be made safe, comfortable, and habitable while restricting their expansion and the re-establishment of abandoned or substantially damaged nonconformities.
 3. Not penalize uses, structures, lots, and site development features that became noncompliant as a result of a governmental acquisition of property.
 4. In certain instances, encourage redevelopment of a nonconforming use that shall decrease its degree of nonconformity.
 5. Address any uses, structures, lots, and site developments that were established contrary to the zoning regulations that applied at the time of their establishment and are considered illegal under the applicable measures in Article X, Enforcement.
- C. **Applicability.** The provisions of this Article apply to the use, structure, lot, and site development standards and regulations in Article II, District Regulations, Article VII, Supplemental District Regulations, and Article VIII – Mobile Home Courts, except for Divisions specifically exempted below. The provisions of this Article do not apply to:
1. Public rights-of-way or public improvements in the rights-of-way.
 2. Wireless telecommunication facilities, as defined in *Sec. 54-713, Communication towers*.
 3. Sexually oriented businesses and uses, as defined in *Chapter 28, Article IV – Sexually Oriented Businesses*.
 4. Illegal uses.

Sec. 54-602, Determination of Nonconforming Status

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

Sec. 54-603, Nonconforming Uses

- A. **Rights of a Registered Nonconforming Use.** The rights to continue, expand, or alter a nonconforming use are specifically conditioned upon the registration of the nonconforming use with the Director of Development Services. Only nonconforming uses that were lawful at the time of their establishment and have been continued since such time may be registered. The Director of Development Services and Building Official shall not permit the expansion, continuance, repair, maintenance, or other continuation of nonconforming status for a nonconformity not registered under this Article.
- B. **Registration of Nonconforming Use**
1. **Registration Process.** The Director of Development Services shall establish a process for the registration of nonconforming uses and shall develop and provide the required registration forms.

2. **Registration Determination and Appeal.** The Director of Development Services shall determine the qualification of a use for registration under this Division and render a decision to the applicant as an Administrative decision.
3. **Revocation.** The Director of Development Services may revoke an approved registration if a nonconforming use is discontinued pursuant to Sec. 54-608, *Discontinuance*, or if it is later discovered that the evidence submitted to support the registration was false, or upon the discovery of additional information.
4. **Evidentiary Considerations.** In determining the qualification of a use for registration under this Article, the Director of Development Services shall consider all relevant and material evidence, whether submitted by the applicant, by any other person supporting or opposing the registration application or registration determination, or otherwise available to the Director of Development Services. Relevant evidence is materials that tend to show the lawful or unlawful establishment of the use and whether the use has been continued since such time. Relevant evidence may include, but is not limited to, the following examples:
 - a. Building permits, certificates of occupancy, licenses, or other permits issued by a governmental entity,
 - b. County appraisal information,
 - c. Photographs, video, or other visual types of evidence that can be verified as predating the effective date of the code provisions involved,
 - d. Contracts, deeds, or other legal instruments that are dated, whether or not recorded or filed in any public office,
 - e. Books, magazine articles, or newspaper clippings that are dated,
 - f. Tax returns, receipts, or other financial records that are dated, or
 - g. Statements made by witnesses, in the form of affidavits, that are made based upon personal knowledge.

C. **Nonconforming Use within a Zoning District.** A registered nonconforming use shall be regulated as a conditional use within the zoning district where it is located.

D. **Maintenance and Repair**

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

- E. Expansion of a Registered Nonconforming Use.** Any expansion of a nonconforming use is prohibited unless approved through a conditional use permit as set forth in X, *Conditional Use for Registered Nonconforming Use*.
1. Expansion shall include:
 - a. Changes of nonresidential use categories.
 - b. Changing to a more intensive nonresidential use within the use category.
 - c. An increase in the number of dwelling units.
 - d. An increase in the number of bedrooms and/or bathrooms.
 - e. An increase in the gross floor area of the structure.
 2. An expansion shall not include modifications to walls or arrangement of spaces that do not result in a net gain of bedrooms, kitchens, or floor space.
- F. Adjustment of a Registered Nonconforming Use.** An applicant may request that the Director of Development Services amend the registration of a registered nonconforming use, and the Director of Development Services shall grant such request and amend the registration for the following types of changes:
1. A registered nonconforming nonresidential use may be changed to another similar or less intensive use within the same use category as determined and approved by the Director of Development Services. The Director of Development Services may use the following factors to determine if the proposed use is similar or less intensive:
 - a. If the required parking for the proposed use complies with Sec. 54-708, *Parking and loading*.
 - b. The proposed use shall employ a similar or fewer number of employees.
 - c. The proposed use shall have similar business hours.
 2. A registered nonconforming residential use may be changed to a less intensive nonconforming residential use as determined and approved by the Director of Development Services. Changing a nonconforming residential use to a less intensive use precludes subsequent reversion to a more intensive use not permitted by zoning.
 3. A commercial use in a residential district that does not permit commercial uses as a standard development may be changed to another similar or less intensive use within the same use category as determined and approved by the Director of Development Services.
 4. If the Director of Development Services cannot reasonably determine whether the requested change in use meets the requirements of this paragraph, then the Director of Development Services may defer the decision to the Planning Board pursuant to *Subsec. E. Expansion of a Registered Nonconforming Use*, above.
- G. Parking.** Improvements related to parking devoted to a nonconforming residential use, including surfacing and number of spaces, may be made at any time without constituting an enlargement or expansion of the use, provided it results in a more conforming state as determined by this chapter. Parking may be required to come into full conformance in concert with other improvements pursuant to Sec. 54-606, *Nonconforming Site Development*.
- H. Expansion of an Outdoor Nonconforming Use.** A nonconforming use of premises for which the principal use is a land use conducted primarily outside of a building, including a wrecking/salvage yard, storage yard, or vehicle and equipment sales lot, shall not be expanded except in conformance with all requirements of this Chapter.

Sec. 54-604, Nonconforming Structures

- A. Rights of a Nonconforming Structure.** The rights to continue, expand, or alter a nonconforming structure are specifically outlined in this Section.
- B. Maintenance and Repair**

1. Remodeling of a nonconforming structure devoted to a conforming use may occur within the existing footprint of the structure.
 2. Any nonconforming structure damaged to the extent of less than 60 percent of its fair market value by fire, wind, tornado, earthquake, or other non-criminal calamity, not including the willful act of the property owner, may be rebuilt, provided such rebuilding does not increase the degree of nonconformity.
 3. With the exception of historic structures as set forth in Subsec. 54-604.B.4, any nonconforming structure damaged to the extent of 60 percent or more of its fair market value by fire, wind, tornado, earthquake, or other non-criminal calamity shall not be rebuilt, repaired, or used, unless the structure and use(s) conforms to all requirements of this Chapter. This standard shall apply to both the use and the structure.
 4. When a nonconforming historic structure is damaged or destroyed to any extent, and by any means, other than the willful act of the owner, such structure may be restored and its use at the time of damage may continue if a building permit is issued and restoration/reconstruction is begun within three years of the damage, is diligently pursued to completion, and no greater nonconformity exists than existed prior to the damage.
 5. The rebuilding or repair of a structure in a flood fringe overlay district area must comply with the requirements of Sec. 54-216, F.D. *Flood Hazard District regulations*.
- C. **Enlargement, Expansion, and Relocation.** An enlargement or expansion that does not increase the degree of nonconformity is permitted. If a nonconforming structure is relocated within the City limits, it must be placed in a location and manner that conforms to the requirements of this Chapter.
- D. **Unsafe Structures.** Nothing in this Section shall be construed to permit the continuing occupation of a structure that is found to be uninhabitable due to violations of applicable City codes.

Sec. 54-605, Nonconforming Lots

- A. **Rights of the Nonconforming Lot.** The rights to continue, expand, or alter a nonconforming lot are specifically outlined in this Section. The Board of Adjustment may hear requests for variances to bring a lot into conformance, where applicable.
- B. **Vacant Lot.** New development on a nonconforming lot must comply with the dimensional standards of the base district and any applicable overlay district, except as expressly stated in this Section. These provisions shall not be interpreted as requiring a greater lot area or setback than specified by the base district or applicable overlay district.
- C. **Lot area.** A lot that does not conform to the required minimum lot area for the zoning district may be developed to the extent that the development can be accomplished with the following limitations:
1. Where the area of a nonconforming lot conforms to some uses permitted in the base district or applicable overlay district, but not for other permitted uses, then that lot shall be used for the permitted use or uses it conforms to.
 2. If a lot fails to conform to the applicable requirements of the zoning district or the applicable overlay district, then the lot may be used only for those permitted uses in that zoning district requiring the smallest minimum lot area.
- D. **Lot width.** A lot that does not conform to the required minimum lot width for the base district or applicable overlay district may be developed to the extent that the development can be accomplished in accordance with the other standards set out in this Division.
- E. **Bulk.** New development, redevelopment, or additions must follow the required bulk regulations as defined by the specific zoning district standards the property is in, found in Art. II – District Regulations, with the following allowances:
1. *Front-Yard Setback.* No reduction allowance.

2. *Side yard Setback.* The minimum side yard setback for the principal structure proposed on a nonconforming lot must be at least five feet, or 10 percent of the lot width, whichever is greater, up to the minimum setback required by the zoning district or applicable overlay district. This provision does not require a setback when none is required by the district standards.
 3. *Rear-Yard Setbacks.* The minimum rear yard setback for the principal structure proposed on a nonconforming lot must be at least 15 feet, or 20 percent of the lot depth, whichever is greater, up to the minimum setback required by the zoning district or applicable overlay district. This provision does not require a setback when none is required by the district standards.
 4. *Height and Building Coverage.* Development must comply with the height and building coverage requirements of the base district and any applicable overlay district.
- F. **Lot Merger by Zoning Lot Status.** If the lot is smaller than would otherwise be required by this Chapter and such lot is, at any time on or after the effective date of this Chapter, under common control with a contiguous lot, then the two lots shall be consolidated into one lot for the purposes of this Chapter and shall be considered together for purposes of determining conformance.
1. If the consolidated lots contain sufficient area and lot width for the actual or proposed use, then they shall be deemed fully conforming.
 2. If the lots together do not provide sufficient lot area and/or lot width for the actual or proposed use, they shall nonetheless be consolidated for purposes of reducing the degree of nonconformity.
 3. When a nonconforming lot has been consolidated with the adjacent lot, such lots shall not again be used as separate lots unless they are lawfully subdivided.

Sec. 54-606, Nonconforming Site Development

- A. **Policy.** Because site development features, such as landscaping and screening, generally involve less investment and are relatively more easily corrected than nonconforming lots, buildings or structures, and uses, it is the policy of the City to eliminate such site development nonconformities as quickly as is practical. See also Sec. 54-708, *Parking and loading*, for parking conformity requirements.
- B. **Timely Conformance.** A site development nonconformity must be brought into conformance upon the occurrence of any of the following:
1. Any increase to the gross floor area exceeding 30 percent;
 2. Construction, remodeling, or other alterations that exceed 50 percent of the fair market value of the structure; or
 3. For non-residential uses only, any change in use to a more intensive permitted use that requires a building permit or certificate of occupancy.

Sec. 54-607, Nonconformities Created by Public Acquisition

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

Sec. 54-608, Discontinuance

- A. **Nonconforming Use.** When a nonconforming use has been abandoned, as defined in this Section, such nonconforming use shall not be renewed, and any registration pursuant to Sec. 54-603, *Nonconforming Use*, shall be revoked.
- B. **Abandonment.** A nonconforming use shall be presumed abandoned when any one or more of the following has occurred:
1. The owner's intent to abandon the use is apparent.

2. The building or structure has been removed through the applicable procedures for the condemnation of unsafe structures.
3. The owner has physically changed the building or structure or its permanent equipment in such a way as to indicate clearly a change in use or activity to something other than the nonconforming use.
4. The lot has been vacant or the use discontinued for six consecutive months where the nonconforming use is one that is conducted primarily outside of a building.
5. The use has been discontinued for 24 consecutive months where the nonconforming use is one that is conducted primarily inside of a building.
6. The building or structure has been damaged to the extent of 60 percent or more of its fair market value by fire, wind, tornado, earthquake, or other non-criminal calamity.

C. Nonconforming Mobile Home or Manufactured Home Lots

1. The failure to license a nonconforming mobile or manufactured home park lot pursuant to Sec. 54-803, *Mobile home park annual permit required*, of the Code of Ordinances, for a period of 12 consecutive months shall constitute abandonment of the nonconforming use for that lot. Such a lot may not be subsequently licensed by *Article VIII, Mobile Home Park Regulations*, and has lost its allowed nonconforming use.
2. The failure to occupy a nonconforming mobile or manufactured home park lot for a period of 24 consecutive months shall constitute an abandonment of the nonconforming use for that particular lot. A lot shall be considered occupied if the manufactured or mobile home meets the minimum requirements for a residential occupancy permit and utilities have not been disconnected.

Article VII. – Supplementary District Regulations

Sec. 54-701. - 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, and R-3 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 1-1 and 1-2 districts.

(Ord. No. 4233-11/2009)

Sec. 54-701A. - 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)

Sec. 54-702. - 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 25 percent of the floor area not to exceed 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 sign not exceeding two 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 Section 54-708 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, and Firearms, may, as a home occupation, buy, sell, or trade firearms at wholesale or retail, and engage in gunsmithing, the repair of firearms, and reloading and sale of ammunition.

(10) Permitted home occupations shall be the following uses or uses substantial uses similar in impact and extent as determined by the Development Services Director.

(Ord. No. 3681-7/99 and 4233-11/2009)

Sec. 54-703. - 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 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)

Sec. 54-704. - 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 feet in addition to the limitations of two and one-half stories, or 35 feet, as prescribed in such Districts; provided, that two side yards of not less than 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 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 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 125 feet in depth, the height regulations for the street permitting the greater height, shall apply to a depth of not more than 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, and R-3, where lots comprising 40 percent or more of the frontage on the same side of a street between two intersecting streets, excluding transverse lots, and having not more than two and one-half acres in area are developed with buildings having front yards with a variation of not more than ten 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 inches nor into a minimum yard more than 30 inches; and provided further, that canopies or open porches having a roof area not exceeding 60 square feet may project a maximum of six 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 feet from the building. Fire escapes, solid floored balconies and enclosed outside stairways may project not more than four feet into a rear yard.
- (e) No rear yard shall be required in districts C-1 to 1-2 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)

(ii)

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Sec. 54-705. - 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.
- {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.*

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

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.

- (ii) 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.

(3) *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 705-2: Residential Open Space

Type	Size	Maximum Service Area*	Design Characteristics
Greenway or Green belt	At least 30' wide at all points	Within ¼ mile	• A long linear corridor of natural vegetation, typically following a stream or other natural feature. • Often includes a pedestrian trail, bikeway, or other paths. • May border streets or be internal to the block structure, but shall include pedestrian connections at all street intersections.
Community Park	4 to 10 acres	½ mile radius	• Predominantly natural landscape although small portions may be designed and constructed for aesthetic purposes, formal gatherings, and structured recreation purpose. • May include some areas for structured recreation, such as ball fields, courts, or playgrounds, but generally no more than 25% of the total Park area. • Bordered by streets on at least 2 sides.
Neighborhood Park	½ to 4 acres	¼ mile radius	• A balance of formal and natural landscape, but no more than 15% of the park area may be impervious surface. • May include some areas for structured recreation 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	• Primarily formal landscape for aesthetic purposes, structured recreation, informal gathering or occasional public seating, but no more than 50% of the park may be impervious surface. • Bordered by streets on at least 1 side and a minimum of 25% of the perimeter.

Courtyard	1000 s.f. to 4000 s.f.	Within same block	• Entirely formal landscape for aesthetic purposes, informal gathering or occasional public seating, and up to 80% impervious surface. • Bordered by streets on at least 1 side and a minimum of 25% of the perimeter. • Bordered by building facades with primary building entrances on at least 2 sides.
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* Maximum service area shall be measured based on direct connections on dedicated pedestrian walkways from the lot line to the open space edge.

(b) *Non-residential open space.* In addition to any required setbacks, screening or buffer area, all non-residential development sites shall have access to functional open spaces required by this section meeting the design and location requirements for one of the Open Space Types in Table 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 1-1 and 1-2 districts are exempt from any open space requirement.

Table 705-3: Non-residential Open Space			
Type	Size	Maximum Service Area*	Design Characteristics
Green	1 to 5 acres	½ mile radius	• Generally there are few constructed elements except as a 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 ½ of the block upon which it is located.
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Square	½ to 2 acres	1,000' radius	• Largely comprised of constructed of 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.
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Plaza	4000 s.f. to ½ acre	600'	• Largely comprised of constructed of 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	1,000 s.f. to 4000 s.f.	Within same block	• Entirely formal landscape for aesthetic purposes, informal gathering or occasional public seating, and up to 80% impervious surface. • Bordered by streets on at least 1 side and a minimum of 25% of the perimeter. • Bordered by building facades with primary building entrances on at least 2 sides.

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

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

(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 the open space and all other size and design requirements are met.

(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 percent 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.

(4) *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 705-4 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 705-5 Open Space Landscape Materials

Canopy Trees	1 large canopy tree for every 1,000 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 •Exception: open spaces smaller than 4,000 square feet shall not require any canopy trees;
Ornamental Trees	1 ornamental tree for every 1,000 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 705-6 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 linear feet of street-facing façade.
All other permeable surfaces	All other permeable surfaces on the site shall include ground cover to prevent dust and soil erosion. Perennial vegetative ground cover such as sod or turf grass shall be required on at least 80% of the ground cover. Non-living ground cover such as stones, rocks or mulch may be permitted on up to 20% of the ground cover.

* Buildings permitted within 10' of the right-of-way are exempt from this requirement.

** Buildings permitted at the right-of-way (0' setback) are exempt from this requirement.

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

Table 705-7 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 54-708(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 54-708(7) shall be permeable surfaces with perennial vegetative ground cover, such as sod or turf grass.

(5) *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 705-8 Required Buffer Area		
Buffer Required Between -	And-	Buffer Width
A	All other districts	20'
C-3 or C-O	Any residential district	30'
C-1 or C-2	Any residential district	15'
1-1 or 1-2	Any Residential district	30'
1-1	C-1 or C-2	20'
1-1	C-O or C-3	10'
1-2	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) One large canopy for every 400 square feet of required buffer; or one medium canopy tree for every 300 square feet of required buffer; or one ornamental tree for every 200 square feet of required buffer.
 - (iii) One shrub or hedge for every ten linear feet of buffer.
 - (iv) 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;
 - (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 four feet; and
 - (2) Have a void of at least 33 percent up to four feet, so that a four-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 six feet for all R-districts, or up to seven 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 three feet from the property line. Any areas set back three 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;
 - (c) Stone, brick, concrete with stone or brick veneer, or pre-cast concrete simulated stone or brick; or
 - (d) In Districts C-3, 1-1 and 1-2, fences may be constructed of metal panels not exceeding six 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 four feet;
 - {ii} In the C-3, 1-1 and 1-2 districts, in the rear and side only, but no closer than 30' from any public street;
 - {iii} Prohibited in all (-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 705-9: 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 705-9 Clear Sight Distance to the centerline of the intersecting street. (See Figure 705-1)

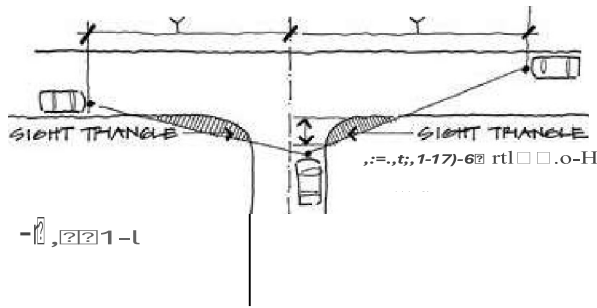


Figure 705-7-Sight Distances on Limited Controlled Intersections. The appropriate "sight triangle" should be based upon the character of the intersection (location and nature of stopping point) and the design speed of the approaching traffic into which the vehicle will be entering. Distance Y represents 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 two and eight 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.

(6) *Lighting*.

- (a) *Mounting height*. All exterior lighting shall be limited to the mounting heights specified in the following table:

Table 705-10: Maximum Lighting Mounting Height	
Driveways and Parking Areas	· 37.5' in C- and I- districts · 25' in all other districts
Pedestrian Walkways, Plazas or Courtyards	16'

Facade Lights	Below the eave or cornice line, provided the light is directed downward
Other Site Lighting	12'

(b) *Shielding.* All exterior lighting shall be shielded as specified in the following table:

I Table 305-11: Required Shielding

Wattage or Mounting Height	Shield Type		
	Full Cutoff!	Cutoffb	Semi-cutoff
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 percent of its light above 90 degrees and ten percent above 80 percent from horizontal.
 - (ii) Cutoff fixtures emit no more than 2.5 percent of its light above 90 degrees and ten percent of its light above 80 percent from horizontal.
 - (iii) Semi-cutoff fixtures emit no more than five percent of its light above 90 percent and 20 percent 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 one 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)

Sec. 54-706. - 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 ten 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)

Sec. 54-707. - Large scale housing or residential development.

The owner of any tract of land comprising an area of not less than five acres in any district except District 1-1 and 1-2 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 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 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 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)

Sec. 54-708. - 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
- (t) 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 one of the uses listed in the table on a regular basis shall apportion their parking based on the use most frequently occurring on each portion of the site.

Table 708-1: 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	K through 9: 1 space for each 15 students at maximum capacity 10 through 12: 1 space for each 4 students at maximum capacity College and technical schools: 1 space for each 2 students at maximum capacity
Central Business District	No off-street parking requirements

(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 Subsection (5).

Table 708-2: Bicycle Parking	
<i>Use</i>	<i>Parking Spaces</i>
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
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.

I Table 30&-3 Shared Parking

T Land Use	Percentage of Required Parking Spaces by Time Period				
	<i>Weekday Day & Evening</i>		<i>Weekend Day & Evening</i>		<i>Nighttime</i>
	6 am to 5pm	5 pm to 1am	6 am to 5pm	5 pm to 1am	1 am to 6am
Employment	100%	10%	5%	5%	5%
Retail or Service	75%	75%	100%	90%	5%
Restaurant	50%	100%	75%	100%	25%

Entertainment & Recreation	30%	100%	75%	100%	5%
Church	5%	25%	100%	50%	5%
School	100%	10%	10%	10%	5%
Residential	25%	90%	50%	90%	100%
Lodging	50%	90%	75%	100%	100%

(5) *Parking credits.* A credit may be given to the parking requirements in Table 308-1 under the following conditions. The credits may be cumulative.

(a) *On-street parking credit.* On-street parking within 300 feet of any lot line may be credited to the parking requirement at a rate of one parking credit for every two on-street parking spaces. On-street parking spaces within the distance parameters may be counted more than once by multiple users. On-street parking in front of any residentially zoned property shall not count towards non-residential uses.

(b) *Bicycle parking credit.* Bicycle parking facilities within 200 feet of the primary building entrance may be credited at a rate of one parking credit for every three bicycle parking spaces, up to a maximum of 15 percent of the required vehicle parking. The applicant shall provide sufficient justification that the site can be reasonably accessed by bicycles and that land uses on the site are common bicyclist destinations in order to receive the bicycle parking credit. The bicycle parking requirements in Table 308-2 shall be used to determine the sufficiency of bicycle parking in applying the credit.

(c) *Public parking credit.* Public parking within 600 feet of any lot line may be credited at a rate of one parking credit for every three public parking spaces. Any space eligible towards the credit shall not be leased and must be generally available to the public. The City, or other public entity in charge of management of the public parking facilities reserves the right to restructure the eligibility for parking credits through a parking district management program, subject to approval of the City Council.

(6) *Maximum parking.* No use shall provide more than ten 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 ten percent 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 percent 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 54-705 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 five 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 708-4: Stall and Aisle Dimensions					
See Figure 308-1	90 °	60 °	45 °	30 °	Parallel
A-STALL WIDTH	9'	8.5'	8.5'	8.5'	8'
B-CURB OR END WIDTH	9'	10'	12'	17'	25'
C-STALL DEPTH	20'	21.57'	20.15'	17.36'	25'
D-AISLE WIDTH, TWO-WAY	23'	22'	20'	20'	20'
D-AISLE WIDTH, ONE-WAY	16'	15'	12'	12'	12'

D-AISLE WIDTH, ONE-WAY SINGLE-LOADED	14'	12'	12'	12'	10'
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* Dimensions may vary up to five percent 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.

(b) *Accessible parking space requirements.* Parking facilities accessible for physically handicapped persons shall be provided according to the most recent standards of the Americans with Disabilities Act and associated guidelines, including quantity, size, location, and accessibility. Applicants must clearly demonstrate compliance with these standards or in the alternative, demonstrate why the standards are not applicable to their project or parcel. Accessible parking requirements shall meet the requirements of the International Building Code as adopted by the City Council.

(c) *Landscape and screening.* All parking areas shall provided the following landscape in addition to any other landscape materials required for the site.

(i) All parking areas shall have the following landscape areas:

Table 708-7: Parking Landscape Areas			
	12 to 40 spaces	<u>40</u> 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 308-7.

(iii) Internal landscape islands shall be at least 100 square feet in total area and no less than five 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 708-7.

(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 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 60 feet long by ten feet wide by 14 feet 6 inches high, inside dimensions.

(iii) Type "B" berths shall be at least 30 feet long by ten feet wide by 14 feet six 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 feet from the property line along the alley for the entire width of the lot.

(b) *Number of loading spaces required.* The following numbers and types of berths shall be provided for the specified uses, provided, however, that in any C-2 district, one type "C" berth may be substituted for one type "B" berth. The uses specified below shall include all structures designed, intended or arranged for such use.

Use	Aggregate Gross Floor Area (sq. ft.)	Berths	Required Type
Freight terminals, railroad yards, industrial plants, manufacturing or wholesale	12,000-36,000	1	A
	36,000-60,000	2	A
	60,000-100,000	3	A

establishments, warehouses	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
	24,000-70,000	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 54-708 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 54-708. 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)

(a) 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 conflict between Code sections, state, or federal regulations, the more restrictive regulation(s) shall apply.

(Ord. No. 4584 -3/2019)

Sec. 54-709. - Child care facilities.

(1) Any child care facility which provides care for nine 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)

Sec. 54-710. - 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, 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 garage or carport space shall be permitted for each 2,000 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 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 710-1.

(c)

TABLE 710-1: 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.	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.

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.

More than 864 s.f.	Maximum area of 10% of lot area. Limit of 1 per 10,000 sq. ft. of lot area. Not permitted on lots with area less than 10,000 sq. ft. 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.	10' from principal structure; 10' from other structures; 5' from side or rear lot lines; 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.	The exterior design and appearance shall be architecturally harmonious with the design, style and color of the principal structure. An accessory structure in the Agricultural District, and any agriculturally used land in the 2-mile extraterritorial zoning jurisdiction, shall be exempt from this requirement.
*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 Subsection (1) above:

- (a) *In all districts except CMP, C-O, C-1, C-2, C-3, /-1 and /-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 1-2:* 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 60 feet in height, flag poles, cooling towers and other similar uses.
- (e) *Districts 1-1 and 1-2:* 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.

As to single family residences: Private swimming pools, gardens, pets lawfully kept under the code, television and radio receiving antennae not exceeding 60 feet in height, signs as permitted in this chapter, parking areas, tool sheds not exceeding 100 square feet, play equipment, storage of one 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 feet in height shall be located a distance inside the property line at least equal to one-third its height.

(5) *[Private drive or walk.]* No private drive or walk shall be permitted across property zoned R-1 to C-O inclusive, for the purpose of providing access between parcels located in districts zoned C-1 to 1-2 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:*

(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 two extensions with seven days each from the Development Services Department.

- (v) Only one permit shall be issued for each dwelling at any one time. No more than two 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 two, and no more than one 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 54-906(1).

(Ord. No. 2255, Chapter 1, 3109-1/89, 3335-8/93, 4233-11/2009, 4256 -7/2010, 4304 -9/2011, 4418-12-2014, 4445 -7/2015, 4495 -11/2016; Ord. No. 4629, § 1, 4-13-2020)

Sec. 54-711. - 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.
- (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 900 square feet of floor area per dwelling unit;
 - {b} The dwelling shall have no less than an 18 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 12 inches of horizontal run;
 - (d) The exterior material shall be of a color, material and scale comparable with those existing in residential site-built, single-family construction;
 - {e} The 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)

Sec. 54-712. - 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 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, cafe, 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.

(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 54-713(5) of this ordinance;

- (l) *Regularly features or regularly shows* means at least 30 percent of the gross floor space or retail floor space are devoted to the purpose, or at least 30 percent 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 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 500 feet of:

- (a) A church or other buildings primarily used for religious services or associated church structure such as a parish or fellowship hall;
- (b) A childcare facility;
- (c) A property line of a lot devoted to a residential use, either single or multiple family;
- (d) A park;
- (e) A hospital;
- (f) Community recreation center;
- (g) Public library;
- (h) Facility for youth service such as youth center, boys or girls club, scout, 4-H or other youth program meeting building;
- (i) Another sexually oriented business.

(4) Such business shall not be established, operated or caused to be operated, within 1,000 feet 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 54-713(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 54-713(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 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)

Sec. 54-713. - Communication towers.

In districts where telecommunication facilities and support structures are allowed as a permitted use, the following specific conditions shall apply:

- (1) *Applicability.* These provisions shall apply to all new telecommunication facilities, ordinary maintenance of existing telecommunication 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.
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.
 - (b) *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 a panels, microwave dishes and satellite dishes, and omnidirectional antennas, such as whips.

(c) *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.

(d) *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.

(e) *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."

(f) *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.

(g) *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

Separation from existing residential uses. A telecommunications facility, tower or antenna shall be located a distance of at least three 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.

(h) *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.

(i) *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.

(j) *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 antenna arrays. At a minimum, a self-support, lattice or guyed tower must be built to have the capacity to accommodate three 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.

(k) *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.
- (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 feet in length and two feet in width.
- (2) Omnidirectional or whip antennas shall not exceed 20 feet in length and not exceed seven inches in diameter.
- (3) Cylinder-type antennas shall not exceed ten feet in length and not exceed 12 inches in diameter.
- (4) Satellite and microwave dishes shall not exceed ten feet in diameter. Dish antennas greater than three 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 three telecommunications providers.
- (3) Ground mounted accessory equipment and support structures shall be secured and enclosed with fence not less than six 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.
- (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 1,200 square feet if it is used by more than one telecommunication provider.

- (5) The 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) *Minimum requirements and other laws.* The standards of this section shall be considered the minimum requirements to begin to review compatibility with surrounding areas, and additional requirements may apply through the discretionary review process. A telecommunications facility owner shall certify to the City that all franchises/licenses required by law for the provision of telecommunication services in the City have been obtained and shall file a copy of these with the City. The construction, operation and repair of a facility shall be in accordance with all applicable local, State and Federal requirements. The construction, operation and repair shall be performed in a manner 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.

(5) *Abandonment and removal.*

- (a) *Abandonment.* Any telecommunications facility or support structure that is not operated for a period of 12 consecutive months shall be considered abandoned.
- (b) *Removal.* The owner of the telecommunications facility or support structure shall remove the facility within six months of its abandonment. The City shall ensure and enforce removal by means of its existing regulatory authority.

(Ord. No. 4233-11/2009)

Sec. 54-714.01. - 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 horses shall be permitted on lots with an area of two acres or greater.
 - (b) A maximum of two horses shall be permitted on lots with an area less than two acres.
 - (c) All other hoofed animals not specifically described above are limited to a maximum of two animals per lot. Additional hoofed animals, not to exceed two per acre, may be authorized by conditional use permit (CUP). An application for a CUP shall be processed and reviewed pursuant to the procedures set forth in Sections 54-303, 54-801 and 54-802 of this Code as the same may from time to time be amended.
 - (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 6-202 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.
 - U) 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 livestock animals shall be permitted on lots with an area less than two acres.
- (b) The maximum number of livestock animals shall be limited to one per acre for lots or parcels having an area greater than two 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.
- (f) Sites utilized for limited agriculture shall not produce effects or conditions that violate the applicable provisions of Chapter 34, Offenses and Miscellaneous Provisions.

Sec. 54-715. - Reserved. 

Editor's note- Section 54-717, which pertained to South Burlington design overlay district, was repealed by Ord. No. 4233-11/2009.

Sec. 54-716. - Reserved.

Editor's note- Section 54-718, which pertained to Highway 6 corridor design overlay district, was repealed by Ord. No. 4233-11/2009.

Sec. 54-717. - Reserved.

Editor's note- Section 54-718, which pertained to Urban industrial overlay district. was repealed by Ord. No. 4233-11/2009.

Sec. 54-718. - Solar energy uses.

No solar panel, neighborhood solar or solar farm shall be installed or constructed within the zoning jurisdiction of the City of Hastings unless a Conditional Use Permit, if applicable, and a Building Permit have been issued. All solar units shall be constructed in conformance with the electrical, building, and fire codes adopted by the City of Hastings. For those devices that include electrical, plumbing and/or heating constructions, the applicable permits shall also be obtained. Solar panels shall meet the requirements found in this section (or chapter).

(1) *General solar definitions.*

Accessory solar energy systems: include any photovoltaic, concentrated solar thermal, or solar hot water devices that are accessory to, and incorporated into the development of an authorized use of the property, and which are designed for the purpose of reducing or meeting on-site energy needs.

Concentrated solar power: A solar conversion system {SCS} that generates power by using mirrors or lenses to concentrate a large area of sunlight, or solar thermal energy, unto a small area. These include but are not limited to the following technologies: Parabolic trough, Solar power tower, enclosed trough, Fresnel reflectors and Dish Stirling.

Development: Any plat, subdivision, or planned unit development created under the City of

Hastings subdivision and zoning regulations.

Electric utility: The public electric utility providing retail service to a given area.

Net excess generation: On an ISCS, net excess generation means the net amount of energy, if any, by which the output of a qualified facility exceeds a customer-generator's total electricity requirements during a billing period;

Net metering: Net metering means a system of metering electricity in which a local distribution utility:

- (a) Credits a customer-generator at the applicable retail rate for each kilowatt-hour produced by a qualified facility during a billing period up to the total of the customer-generator's electricity requirements during that billing period. A customer-generator may be charged a minimum monthly fee that is the same as other noncustomer-generators in the same rate class but shall not be charged any additional standby, capacity, demand, interconnection, or other fee or charge; and
- (b) Compensates the customer-generator for Net Excess Generation during the billing period at a rate equal to the electric utility avoided cost of electric supply over the billing period. The monetary credits shall be applied to the bills of the customer-generator for the preceding billing period and shall offset the cost of energy owed by the customer-generator. If the energy portion of the customer-generator's bill is less than zero in any month, monetary credits shall be carried over to future bills of the customer-generator until the balance is zero. At the end of each annualized period, any excess monetary credits shall be paid out to coincide with the final bill of that period.

Solar access: the ability to receive sunlight across real property for any solar energy device.

Solar access easement: A right, expressed as an easement, covenant, condition, restriction or other property interest in any deed, will or other instrument executed by or on behalf of any landowner or in any order of taking, appropriate to protect the solar skyspace of a solar collector at a particularly described location to forbid or limit any or all of the following where detrimental to access to solar energy: structures on or above ground; vegetation on or above ground; or other activities. Such right shall specifically describe a solar skyspace in three-dimensional terms in which the activity, structures or vegetation are forbidden or limited or in which such an easement shall set performance criteria for adequate collections of solar energy at a particular location.

Solar conversion system (SCS): An assembly, structure, or design, including passive elements, used for gathering, concentrating or absorbing direct or indirect solar energy, specifically designed for holding a substantial amount of useful thermal energy and to transfer that energy to a gas, solid or liquid or to use that energy directly; this may include, but is not limited to, a mechanism or process used for gathering solar energy through thermal gradients, or a

component used to transfer thermal energy to a gas, solid or liquid or to convert into electricity.

Solar conversion system, commercial: A commercial solar conversion system (CSCS) is a series of solar panels and equipment connected together in order to commercially supply the converted energy to a community and/or power grid. A CSCS shall have a one-way connection to the power grid.

Solar conversion system, ground-mounted: Any SCS which is directly supported and attached to the ground.



Example of a Solar Conversion System, Ground-mounted

Solar conversion system, individual: An individual solar conversion system (ISCS) shall be for the specific use of an individual residential, commercial, public or industrial use.

Solar conversion system, neighborhood: A neighborhood solar conversion system (NSCS) is a series of solar panels and equipment connected together in order to supply converted energy to a specific neighborhood and its uses.

Solar conversion system, structure-mounted: Any SCS which is directly connected to and supported by a building.



Example of a Solar Conversion System, Structure-mounted

Solar skyspace: The maximum three-dimensional space extending from a solar collector to all positions of the sun necessary for efficient use of the collector.

- (a) Where a solar energy system is used for heating purposes only, solar skyspace shall mean the maximum three-dimensional space extending from a solar energy collector to all positions of the sun between 9:00 a.m. and 3:00 p.m. local apparent time from September 22 through March 22 of each year.
- (b) Where a solar energy system is used for cooling purposes only, solar skyspace shall mean the maximum three-dimensional space extending from a solar collector to all positions of the sun between 8:00 a.m. and 4:00 p.m. local apparent time from March 23 through September 21 of each year.

Solar oriented subdivision: A subdivision in which a minimum of 65 percent of the lots are solar-oriented lots.

(2) *General provisions applying to ISCS, NSCS, and/or CSCS.* The following provisions shall apply, typically, to two or more of the different solar conversion systems in this section:

- (a) For commercial and neighborhood SCS: Applicant shall provide evidence that the project meets commonly-accepted management practices for avian, wildlife, and environmental protections in place at the time of application.
- (b) For all SCS's: Applicant shall comply with specific requirements of the Hastings Fire Department or the appropriate Rural Fire District.
- (c) Maintenance: All system and components shall be kept in operational condition, including appearance of all components; plus, the ground beneath the SCS shall be kept in a presentable manner, free of weeds and in conformance with International Maintenance Code as adopted by the City of Hastings based upon the ground cover decided.
- (d) Decommissioning: All systems when they are no longer generating power and will no longer be used shall follow a decommissioning plan that has been agreed to upon by

the City of Hastings, the electric utility, and the owner/developer.

- (e) Repowering: If any SCS is no longer operating for purposes of Repowering, replacement, or maintenance, Decommissioning provisions will not apply for up to six months. However, an SCS that is not operating or is operating at a substantially reduced capacity for more than six months will be considered abandoned and Decommissioning provisions will apply.
- (f) Repowering does not require a new conditional use permit or permit amendment if the footprint of the SCS is the same or reduced. Any increase in the footprint of the facility will require a permit amendment.
- (g) Any applicant for a SCS project shall meet with and shall indicate they have met the requirements of the electric utility and have in place an interconnection agreement with the electric utility.
- (h) All NSCS and CSCS operations shall have located at key access points signage stating specific language as outlined by the electric utility.
- (i) SCS may be installed in the floodway fringe subject to Section 54-216, as may be amended from time to time, given that all components are installed a minimum of one foot above base flood elevation and subject to written authorization of the Floodplain Administrator.

UI No SCS shall be constructed in the identified floodway.

(k) Concentrated Solar Power (CSP) systems are prohibited within the City of Hastings and the Extraterritorial Jurisdiction (ETJ) boundary.

(l) Solar hot water heating systems are exempt from these provisions.

(m) Financial assurances shall be in place as part of the decommissioning plan.

(3) *Individual solar conversion systems.*

(a) *General requirements for ISCS:* ISCS's shall conform to the required front, side and rear lot setback requirements except as provided herein:

(i) An SCS which is attached to an integral part of the principal building shall meet the electrical, building, and fire codes adopted by the City of Hastings and accessibility.

(ii) A ground-mounted ISCS may be located only in the required rear yard provided it does not exceed 12 feet in height and is located not less than five feet from the rear lot line and not closer than one foot to any existing easement as measured from the closest point of the structure including its foundation and anchorage.

(iii) No ground-mounted ISCS shall be located in the required side yard or front yard.

(iv) All ISCS's shall have an agreed to solar access easement, on the south side of the yard, from any neighboring properties. Said easement shall be filed as an instrument to each property's deed and said easement shall stay in place as long as the ground-mounted ISCS is in place and operational.

(v) The applicant for any ISCS shall provide evidence that they have a working net metering agreement with the electric utility.

(b) *Structural requirements:* The physical structure and connections to existing structures shall conform to the electrical, building, and fire codes adopted by the City of Hastings.

(c) *Plot plan:* The application for a permit shall be accompanied by a plot plan drawn to scale showing property lines, existing structures on the lot, proposed solar panel location with respect to property lines, and dimensions of the proposed solar panel.

(d) *Preexisting solar panels:* Notwithstanding noncompliance with the requirements of this section, a solar panel erected prior to the adoption of these regulations, pursuant to a valid building permit issued by the City of Hastings, may continue to be utilized so long as it is maintained in operational condition.

(e) *Decommissioning:*

(i) Whenever an ISCS ceases operation on a property, it shall be required to report this

to the City of Hastings Development Services Office and the electric utility.

- (ii) Whenever, a ground-mounted ISCS is no longer operating, the property owner shall have six months to completely remove the structure and wiring. The location of the ISCS shall be returned to a usable state based upon the surrounding property.

(4) *Neighborhood solar conversion systems.*

- (a) *General requirements for NSCS:* NSCS's shall meet the following requirements as provided herein:

- (i) An NSCS shall be set on its own lot within the neighborhood/development;
- (ii) The NSCS shall be designed and constructed for no more than the anticipated maximum solar usage in the designated neighborhood or development;
- (iii) No excess power generated shall be sold or given to a user outside the agreed upon neighborhood or development, except via a Net Metering agreement;
- (iv) The developer shall provide the City of Hastings with all solar easements established; however, the City of Hastings shall not be responsible for enforcing said easements;

(v)

All solar easements shall be enforced by an establish Home Owners Association for the development/neighborhood;

- (vi) A ground-mounted NSCS shall be protected from unauthorized access with fencing and/or bollards, unless the Planning Commission and City Council deem, as part of the conditions, it is not necessary;
- (vii) All connections to the uses within the neighborhood shall be made underground;
- (viii) An access agreement between the developer, Homeowners Association, and any other necessary other entity and the electric utility shall exist in case of an emergency;
- (ix) A Net Metering agreement between the developer, Homeowners Association, and any other entity and the electric utility shall exist in case of excess electricity; and
- (x) All ground-mounted NSCS's shall have an agreed to solar access easement from any neighboring properties. Said easement shall be filed as an instrument to each property's deed and said easement shall stay in place as long as the ground-mounted NSCS is in place and operational.

- (b) *Structural requirements:* The physical structure and connections to existing structures shall conform to the electrical, building, and fire codes adopted by the City of Hastings.

(c) *Solar oriented subdivision/plot plan:*

- (i) Whenever a NSCS is part of a proposed new subdivision, the developer shall outline the specific lot or outlot where the NSCS will be placed.

Specific developments/neighborhoods initially designed with an NSCS shall identify all solar easements on the preliminary and final plats and shall be recorded the same as other utility easements. In addition, the subdivision plats shall indicate, in addition to all other requirements in the subdivision regulations, the location of all proposed underground conduits serving the other lots in said subdivision.

- (ii) The application for a permit shall be accompanied by a plot plan drawn to scale showing property lines, existing structures on the lot, proposed solar panel location with respect to property lines, and dimensions of the proposed solar panel.
- (iii) The developer shall install all underground wiring as prescribed by the electric utility.
- (iv) All underground wiring shall be protected by a utility easement or located within prescribed rights-of-way.
- (v) The developer shall provide the City of Hastings with As-builts of the wiring locations within the subdivision.

(d) *Decommissioning:*

- (i) A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for 12 consecutive months. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. The City of Hastings may require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning.

(5) *Commercial solar conversion systems:*

- (a) *Applicability:* The purpose of this subsection is to provide standards for fixed-panel photovoltaic solar farms or CSCS consisting of ground-mounted solar panels capturing energy from the sun and converting it to electricity. The provisions of this section are based on a ground-mounted photovoltaic facility using a rammed post construction technique and panels supporting the flow of rainwater between each module and the growth of vegetation beneath the arrays and limiting the impacts of stormwater runoff.

The rammed post construction technique allows for minimal disturbance to the existing ground and grading of the site. Based on the assumed solar farm design, the City of Hastings finds the use to be low intensity with minimal trip generation, low amounts of impervious cover, and low emission thus

the use is compatible in urbanized, nonurbanized, or low-density areas with other uses.

(b) Site development standards:

- (i) Lot coverage for accessory structures: No more than one percent of the gross site area shall be occupied by enclosed buildings and structures.
- (ii) Setbacks: A 30-foot side and rear setback shall apply only to the setback area measured from a lot line that abuts a residential use or residential zoning district. The side or rear setback shall be eliminated where the use does not abut a residential use or residential zoning district, or the two districts are separated by a public right-of-way.
- (iii) Height: The average height of the solar panel arrays shall not exceed 12 feet.
- (iv) Landscaping buffer: The primary use of the property shall determine the buffer requirement. Where a ground-mounted photovoltaic solar farm is the primary use the property shall be considered industrial or agricultural for the purposes of buffer requirements, there are no requirements for screening from public streets.
- (v) Stormwater management: Fixed panel solar arrays shall be considered pervious and the property shall be designed to absorb or detain specific runoff. The impervious cover calculation shall include the support posts of the panels, any roads or impervious driveway surfaces, parking areas and buildings on the site.
- (vi) A property developed pursuant to this subsection shall be required to plat however water and sewer connections shall not be required. Suitable fire department access shall be required.
- (vii) Signage shall conform to the City of Hastings Sign Code.
- (viii) Customer owned on-site power lines shall be buried except where connecting to existing overhead utility lines. This requirement shall not apply to fiber optic connections.
- (ix) Fencing: Due the unique security requirements of this land use, and to facilitate the educational value of seeing this land use, fencing up to eight (8) feet in height is permitted provided the fencing material is predominantly open.
- (x) All State and Federal codes and provisions not specified in this subsection are required including but not limited to tree preservation, traffic impact analysis and historic preservation.

(c) Districts:

See Table 719-1 below.

Table 719-1

[illegible][illegible]

Systems														
Large Scale Wind Generator	C												C	C
Easements														
Solar Access Easement Required		X	X	X	X	X	X	X	X	X	X			

(d) *Submittal requirements:* All Plans shall contain the following:

- (i) These requirements shall apply to both the Conditional Use Permit and Building Permit;
- (ii) A plot plan, drawn to scale, of the property indicating the total site acreage, landscape and buffer areas, tree preservation, location of all structures, the proposed location of the solar panels, the distances of the solar panels to structures on the property as well as distances to the property lines;
- (iii) The plot plan shall include any roads, electric lines and/ or overhead utility lines;
- (iv) A description of the electrical generating capacity and means of interconnecting with the electrical grid as coordinated and pre-approved with the appurtenant power district;
- (v) A copy of the interconnection agreement with the local electric utility;
- (vi) Drawings or blueprints of solar panels and arrays in conjunction with the application for a building permit for a solar farm/solar power plant;
- (vii) Structural engineering analysis for a solar panel, array and its foundation, as applicable;
- (viii) Manufacturer's recommended installations, if any; and
- (ix) Documentation of land ownership and/or legal authority to construct on the property;

(x) A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life.

Decommissioning of solar panels must occur in the event they are not in use for 12 consecutive months. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. The City of Hastings reserves the right to require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning.

(e) *Compliance with other regulations:*

(i) Zoning permit applications for CSCS's shall be accompanied by a line drawing of electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the City's adopted electrical code and that has been pre-approved by the associated power district meeting their Distribution Generation Requirements and Guidelines; and

(ii) This subsection does not waive any requirements of any state or Federal codes, electrical codes or other technical codes as applicable.

(f) *Discontinuation:* A CSCS shall be considered abandoned after one year without energy production. The solar equipment owner shall remove all SCS equipment and appurtenances within 90 days of abandonment.

(Ord. No. 4573 -11/2018)

Article VIII. - MOBILE HOME COURTS

Sec. 54-801. - License—Required; application; term; fees; bond; renewal.

(a) It shall be unlawful for any person to establish, operate or maintain or permit to be established, operated or maintained upon any property owned or controlled by the person a mobile home court without having first secured a license therefor and for each of them from the city council. Such license shall be granted and existing in compliance with the terms of this chapter and any other applicable ordinance. Such license shall expire on May 1 following the date of its issuance but may be renewed under the provisions of this article for additional periods of one year.

(b) The application for such license or the renewal thereof shall be filed with the department of environmental health and shall be accompanied by a fee for each mobile home court as provided in the most recent council fee resolution. Where two or more mobile homes are parked on a tract of land designated, maintained or intended for the purpose of supplying a location or accommodation for mobile homes, a license bond in the sum of \$2,000.00 to guarantee compliance with the terms of this article shall be furnished. Applications for a renewal license shall be filed in the office of the department of environmental health no later than April 1 of each year. The application for a license or a renewal thereof shall be made on printed forms furnished by the board of health and shall include the name and address of the owner and the location of the tract and, if the ownership of said tract is vested in some person other than the applicant, a duly verified statement by that person that the applicant is authorized by the same to construct or maintain the mobile home court and make the application, and such a legal description of the premises upon which the mobile home court is or will be located as will readily identify and definitely locate the premises. The application shall be accompanied by four copies of the specifications and court plans in scale, one copy of which shall be placed permanently on file in the office of the department of environmental health and showing the following existing as proposed information:

(1) The extent and area used for camp purposes;

- (2) Roadways and driveways;
- (3) Location and number of sites or units for mobile homes;
- (4) That there has been proper conformance with city building, zoning, plumbing and other ordinances;
- (5) Method and plan of sewage disposal;
- (6) Method and plan of garbage removal.

(c) This section shall also apply to all renewal licenses.

(Code 1973, 37-4; Code 2020, § 35-201; Ord. No. 1703; Ord. No. 2382; Ord. No. 2434; Ord. No. 2483; Ord. No. 2726)

Sec. 54-802. - License—Recommendations of board of health; inspection of premises; issuance; scope.

(a) Before such license shall be issued, there shall be a favorable recommendation by a majority of the board of health of the city; and the premises must be inspected and approved by the board or its duly authorized representative or other city officers as complying with all provisions of this article and all other applicable ordinances of the city, whereupon it shall be at the discretion of the city council to issue the same.

(b) Licenses issued under the terms of this article shall convey no right to erect any building, to do any plumbing work, or to do any electrical work except upon a permit issued in conformity with existing building, electrical and plumbing codes of the city.

(Code 1973, 37-5; Code 2020, § 35-202; Ord. No. 1703)

Sec. 54-803. - License—Revocation.

The city council is hereby authorized to revoke any license issued pursuant to the terms of this article if, after due investigation, they determine that the holder thereof has violated any of the provisions of this article or that any mobile home or mobile home court is being maintained in an unsanitary or unsafe manner or is a nuisance.

(Code 1973, 37-6; Code 2020, § 35-203; Ord. No. 1703)

- Sec. 54-204. - Location of camps.

(a) No mobile home court shall be located at any site without obtaining a special use permit.

(b) No mobile home court shall be located within the limits of the city unless city water, sewer and fire protection facilities are available and the applicant, in the application, clearly manifests the intention to connect thereto before the court is occupied.

(c) No occupied mobile home shall be located in any mobile home court within the city outside the recognized setback line for the zoning district in which such court is located, and such mobile homes shall be no less than ten feet from any other building, vehicle or the boundary line of the tract upon which it is located.

(Code 1973, 37-7; Code 2020, § 35-204; Ord. No. 1703; Ord. No. 2382)

Sec. 54-805. - Arrangement, design, etc.

(a) *Location.* The mobile home court shall be well-drained and shall not be adjacent to swamps, marshes, breeding places for insects or rodents, or heavy industrial zones with objectionable odors or noise. The mobile home court shall have good natural drainage, or storm drainage systems shall be provided; this drainage shall not endanger any water supply. All sides of the mobile home court shall be graded and ditched to eliminate standing water; however, ditching shall not create accident hazards. The area of the mobile home court shall be sufficient to accommodate the number of the mobile home spaces for which the mobile home court is designed, parking areas for motor vehicles, and service areas and playgrounds.

(b) *Arrangement of units; driveways.* Units shall be clearly designated and the mobile home court so arranged that all units shall face or abut on a driveway of not less than 16 feet in width, giving easy access from all units to a public street. Such driveway shall be at least graveled or cindered and maintained in good condition, having proper drainage into the city's drainage system, be well-lighted at night, and shall not be obstructed.

(c) *Spacing of units.* The mobile home court shall be so laid out that no dependent mobile home shall be located farther than 200 feet from the toilets and service buildings provided for herein; and walkways to such buildings shall be at least graveled or cindered and well-lighted at night.

(Code 1973, 37-8; Code 2020, § 35-205; Ord. No. 1703)

Sec. 54-806. - Size of spaces.

Each mobile home space shall contain a minimum of 3,000 square feet and shall have at least 15 feet of clearance on all sides, between mobile homes, buildings, lot lines or any other improvements on the premises, provided that, if a mobile home space shall have had at least ten feet of clearance on all sides, as described above, on 1988, and said clearance shall not thereafter be decreased, then this section shall be deemed to be satisfied.

(Code 1973, 37-9; Code 2020, § 35-206; Ord. No. 1703; Ord. No. 2483)

- Sec. 54-207. - Water supply and distribution.

(a) An adequate supply of pure water for each mobile home and each shower, toilet, washing or other similar facility for common usage in a mobile home court shall be furnished through a piped distribution system laid at a depth of not less than 4 ½ feet from the surface of the ground and connected with the city water main. There shall be supply faucets located not more than 200 feet from any mobile home and each of these supply pipes shall be capable of supplying at least 125 gallons of water per day per mobile home.

(b) The water distribution system shall be constructed from cast iron or three-fourths-inch Type K copper pipe. The piping shall be able to supply six to eight gallons per minute at a minimum pressure of 20 pounds per square inch at each mobile home space outlet, and the individual mobile home supply lines shall be not less than three-fourths-inch Type K copper pipe terminating with a connection at an appropriate location at each mobile home space with a riser extending at least four inches above the ground surface with two three-fourths-inch valve outlets. Check valves shall not be installed on any riser. The outlets shall be threaded so that a screwed connection, using flexible copper tubing may be made from one outlet to the mobile home's water piping system, leaving the other for use as a hose connection for fire control or other uses. The ground surface around the riser pipe shall be graded so as to divert surface drainage away from the connection. The riser pipe shall be encased in a six-inch cast iron pipe, with the intervening space filled with an insulating material to protect it from freezing. An insulated cover shall be provided which will encase both valve outlets but not prevent connections to the trailer during freezing

weather. When the mobile home space is unoccupied during cold weather, the outlet shall be protected from freezing by draining of the pipes. A shutoff valve or other approved frost-free arrangement shall be placed below frost depth on the service line; it shall in no instance be a stop and waste cock. All necessary precautions shall be taken in laying all water pipes. They shall not be laid in water, nor where they can be flooded by water or sewage during the laying process period. Dirt and other contaminating material shall be excluded from the pipe.

(c) Mobile homes outside the limits of the city, but within the limits provided for the enforcement of building, construction and installation codes, but for which appropriate water mains are unavailable, shall have a water system for each mobile home installation, approved by the plumbing inspector and the department of environmental health.

(d) Each water supply distribution system provided for a mobile home shall be approved by the plumbing inspector after construction and before it is covered or placed in service.

(e) No common drinking vessels shall be permitted, nor shall any common drinking water faucets or drinking fountains be placed in any toilet room.

(f) An abundant supply of hot water shall be provided at all times for laundry and bathing facilities.

(Code 1973, 37-10; Code 2020, § 35-207; Ord. No. 1703; Ord. No. 2477)

Sec. 54-808. - Refuse disposal.

(a) The storage, collection, and disposal of refuse from the mobile home court shall be so conducted as to avoid the creation of health hazards, such as rodent harborages or insect breeding areas, air pollution and accidents. The mobile home court area shall be kept free of litter, rubbish and all other inflammable material at all times.

(b) All refuse shall be stored in double, flytight, watertight and rodentproof containers in accordance with rules and regulations set by the board of health, and they shall be maintained in a clean and sanitary condition and in good repair at all times. Sufficient capacity shall be provided to prevent the overflowing of any refuse container between collections. Each mobile home shall be provided with a minimum of 30 gallons of refuse

storage capacity.

(Code 1973, 37-12; Code 2020, § 35-208; Ord. No. 1703)

Sec. 54-809. - Waste and sewage disposal.

(a) Each mobile home space shall be equipped with at least a four-inch cast iron sewer connection, trapped by a cast iron soil pipe P-trap below frost line and reaching at least four inches above the surface of the ground. The sewer connection shall be protected by a concrete collar, at least three inches deep and reaching eight inches in all directions. The connection between the mobile home drain and the sewer shall be made watertight by suitable fittings. A threaded or fitted-in clamp connection shall be made at the trailer coach drain and at the sewer outlet drain. The sewer outlet shall consist of a standard ferrule with a four-inch by three-inch screw plug. The screw plug shall be fastened by chain or other device to the concrete collar surrounding the sewer connection to prevent its removal from the site while the sewer connection is in use. The threaded hose connection may be connected to the ferrule directly or by use of pipe fittings. In the case of temporary pipe connections, the two-inch pipe can be inserted into the ferrule and caulked to make an acceptable connection. For overnight parking of mobile homes, the plumbing fixtures within the mobile homes shall not be used unless provided with satisfactory means of disposal of all sewage wastes. These overnight mobile homes shall be parked close to the service buildings and the mobile home occupants shall be directed to use the facilities in the service building or the mobile home shall be connected to the sewage system. All sewer lines or parts thereof shall be accessible for cleaning out and shall be properly vented at each trailer site.

(b) All sewer lines shall be laid in trenches separated at least ten feet horizontally from any drinking water supply line under pressure, at a grade of one-fourth-inch per foot; except that when sewer lines and water lines are laid in the same ditch, the sewer line shall be permanently made root-proof and watertight by means of approved hot-poured joints. All joints on the sewer lines shall be made watertight and every effort shall be made to minimize groundwater infiltration into the sewage system. Connections in access holes shall be so constructed as to prevent surface water from entering the sanitary sewers.

Access holes shall be provided at every change in direction, at every junction of two or more branch sewers, and at intervals of not more than 300 feet. Cleanouts extending to grade may be used instead of access holes on four-inch and six-inch lines. They should be provided wherever a access hole would otherwise be necessary and at intervals of not more than 100 feet. All cleanouts shall be capped with cleanout plugs. Each sewer lateral serving a row of mobile homes shall be vented at its upper end. Sewer mains shall be designed to handle the estimated sewage flow and shall be a minimum of four-inch lines that service each mobile home. These four-inch lines shall be connected to an eight-inch main which empties into the city's sewer system. All material used and installation shall be subject to approval of the plumbing inspector before installation. Mobile homes outside the limits of the city, but within the limits of the city's jurisdiction for the enforcement of its codes, but for which sewer mains are unavailable, shall have a sewer system consisting of septic tank and drain field or approved lagoon system approved by the department of environmental health of the city and the department of environmental control of the state.

(Code 1973, 37-13; Code 2020, § 35-209; Ord. No. 1703; Ord. No. 2477)

Sec. 54-810. - Electricity.

Every mobile home court shall be governed by the National Electrical Code, as provided in [section 8-701](#).

(Code 1973, 37-14; Code 2020, § 35-210; Ord. No. 1703)

Sec. 54-811. - Fuel.

Cylinders containing liquefied petroleum gas, to be used as fuel by mobile home occupants, shall be connected to the stoves or heaters of the mobile home by copper or other metallic tubing in such a manner as to provide leakproof connections. The cylinders shall be securely fastened in place outside of and not less than five feet from any mobile home exit. State and local regulations applicable to the installation of equipment and the handling of liquefied petroleum gas and fuel oil shall be followed.

(Code 1973, 37-15; Code 2020, § 35-211; Ord. No. 1703)

Sec. 54-812. - Fire protection.

No mobile home shall be located farther than 300 feet from an approved fire hydrant. Fires shall not be permitted within the area of a mobile home court except in equipment specifically designed for such purpose and approved by the fire chief as being in compliance with the existing regulations governing such fires.

(Code 1973, 37-16; Code 2020, § 35-212; Ord. No. 1703; Ord. No. 2477; Ord. No. 2837)

Sec. 54-813. - Alterations, repairs and additions.

All plumbing and electrical alterations or repairs shall be made in accordance with local regulations. Permanent additions or other accessory buildings may be built onto, or become a part of, a mobile home or a Type A or Type B manufactured dwelling only when authorized pursuant to section 54-712. The skirting of mobile homes shall be permitted, but skirting shall not attach a mobile home permanently to the ground, not provide a harborage for rodents, nor create a fire hazard. The wheels of those mobile homes which are designed for use as conveyances on highways or city streets propelled or drawn by their own or other motive power shall not be removed except temporarily for repairs not to exceed 24 hours. This provision shall not prevent the placing of jacks or stabilizers under the frame of a mobile home to prevent movement on the springs while it is parked and occupied.

(Code 1973, 37-17; Code 2020, § 35-213; Ord. No. 1703; Ord. No. 3428-10/1994)

Sec. 54-814. - Restrictions on pets.

No dogs, cats or other domestic animals shall be permitted to run at large in the mobile home court. Such animals shall be kept in restricted enclosures on the individual coach space. The enclosures shall be maintained in a clean and sanitary condition at all times.

(Code 1973, 37-18; Code 2020, § 35-214; Ord. No. 1703)

Sec. 54-815. - Duties of manager or owner.

The owner or manager of every mobile home court shall maintain in the near vicinity of such mobile home court an office in which there shall be a copy of the mobile home court license and of this article and the mobile home court register. It shall be the duty of the owner or manager together with the licensee to:

(1) Keep at all times a register of all guests which shall be open to state and federal officers and officers of the city showing for all guests:

- a. Names and addresses.
- b. Dates of entrance and departure.
- c. License numbers of all automobiles and mobile homes entowing.
- d. The state issuing such licenses.
- e. The place of last location and length of stay.
- f. The color and make of the mobile home.

(2) Maintain the mobile home court in a clean, orderly and sanitary condition at all times.

(3) See that the provisions of this article are complied with and enforced and report promptly to the proper authorities any violations of this article or any other violations of the law which may come to such manager's or owner's attention.

(4) Notify the department of environmental health immediately upon any known or suspected case of communicable disease. In case of a disease diagnosed as quarantinable, the owner or manager shall not permit the departure of a trailer coach or its occupants or the removal therefrom of clothing or other articles that have been exposed to the infection without approval of the department of environmental health.

(5) Prohibit the use of any mobile home by a greater number of occupants than that for which it is designed to accommodate.

(Code 1973, 37-19; Code 2020, § 35-215; Ord. No. 1703)

Sec. 54-816. - Limitations on number of occupants per trailer.

No mobile home may be inhabited by a greater number of occupants than that for which it was designed.

(Code 1973, 37-20; Code 2020, § 35-216; Ord. No. 1703)

Article IX. – Supervised Homes

Sec. 54-901. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Health department means the department of environmental health of the city.

Inhabitant means any person accommodated, cared for or boarded in any supervised home; also, any person who has suffered or sustained any physical or mental ailment or disability or has been hospitalized or institutionalized therefor and is in any state or degree of recovery, readjustment or care from the result of any mental or physical ailment, including, but not limited to, mental retardation or alcoholism.

Licensee means the individual, partnership, corporation, association, company or organization responsible for operating the supervised home and the maintaining of acceptable standards both as to care provided for inhabitants, the physical facilities for housing, outside conditions of the housing and property and the residents therein.

Supervised home means:

(1) Any nursing home, halfway home, convalescent home or group care facility in which 16 or more persons who are unrelated to each other by blood, adoption, or marriage reside while receiving therapy, counseling or rehabilitation for any of the following purposes, but not limited to:

- a. Battered children, aged, sick, infirm, convalescent, invalid, mentally ill or mentally retarded, feeble minded or drug-dependent persons;
- b. Persons recently discharged from any hospital, clinic or mental institution;
- c. Decrepit, blind, disabled, injured, chronically ill, or alcoholic persons;
- d. Persons who are being assisted in rehabilitation and recuperation from the effects of drugs and alcohol;
- e. Persons who are being assisted in rehabilitation and adjusting to living with the handicaps of emotional or mental disorder, or mental retardation;

f. Persons who are being assisted in rehabilitation and adjusting to living with the handicaps of physical disability;

g. Persons who are being housed and provided therapy and supervision while under constraints of alternatives to imprisonment, including, but not limited to, probationary programs; and

(2) Any other facility regulated by the state or federal authorities as described in section 36-117; for which a charge is made or compensation is required or expected, whether by fee or gift or government grant, provided this article shall not apply to a duly constituted and licensed hospital or to a facility having in excess of 50 rooms for inhabitants. The number of persons residing in a facility, place or building shall be determined based upon the total facility, place or building, whether or not said persons reside in separate and independent rooms or groups of rooms.

(Code 1973, 23-1; Code 2020, § 36-101; Ord. No. 2615; Ord. No. 3215-6/1991)

Sec. 54-902. - License required.

It shall be unlawful for any person to conduct, operate or maintain or permit to be conducted, operated or maintained or to participate in the conduct, maintenance or operation of a supervised home within the city limits unless the health department has inspected and has issued a valid license therefor which is in full force and effect. Said license shall only be issued after all requirements have been met, including, but not limited to, zoning, building, fire, electrical, gas and plumbing codes of the city and codes adopted therefor. Such license shall only be issued after a hearing before the city council and the issuance of such license is approved by a majority of the city councilmembers voting.

(Code 1973, 23-3; Code 2020, § 36-103; Ord. No. 2615)

Sec. 54-903. - Application.

Application for a license under this article shall be made to the health department in such form and manner as it may prescribe. The application shall include such information and

data respecting the supervised home for the license as the health department may require, including, but not limited to, a description of the facility and service, a plat of the premises showing structures, lot lines and appurtenance, a description of required automobile parking, a statement as to whether the service is to include convalescent treatment or rehabilitation care for any person who has been hospitalized for mental or emotional ailments, drug addiction, alcoholism; and a statement of the personnel and program that are to be used therefor. The application shall then be delivered to the health department, which, upon receipt of the application, shall make an inspection. Upon completion of the inspection, the health department shall advise the city council, who shall set a public hearing date at the next regularly scheduled council meeting.

(Code 1973, 23-4; Code 2020, § 36-104; Ord. No. 2615)

Sec. 54-904. - Investigation.

The investigation by the health department shall be of the activities, services and facilities of the applicant, including the character, reputation, health and qualifications of the applicant and members of the applicant's staff, and of the applicant's financial responsibility. The applicant shall afford representatives of the health department reasonable opportunity to inspect the applicant's premises for which the license is requested, its books and records and to interview the applicant's agents and employees and any inhabitant within the care or custody of the applicant in such supervised home. Such report shall be presented in writing to the city council for their use at the public hearing in determining if the license shall be granted.

(Code 1973, 23-5; Code 2020, § 36-105; Ord. No. 2615)

Sec. 54-905. - Denial, suspension or revocation of license.

The city council shall deny or suspend a license for a supervised home if it shall appear that the applicant, or, if the applicant is a corporation, any officer or person who is to be in charge of such supervised home, has been convicted of a felony or of a misdemeanor involving moral turpitude or has had inadequate training or experience in the care of the inhabitants. The health department may revoke or suspend any license for a supervised home if it is determined that the supervised home is being operated or maintained in

violation of the requirements of this article or of the regulations promulgated pursuant to this article or for any of the additional following causes: fraud or misrepresentation in obtaining the license; maltreating or abusing any residents of such supervised home; using practices inimical to the physical, mental or moral well-being of any inhabitant; conducting the supervised home in a manner constituting a breach of the public peace to the city or the neighborhood, or a menace to the public health, safety, morals or welfare of the citizens of the city. Such revocation or suspension of the license shall be in addition to any other penalty that may be provided by law.

(Code 1973, 23-6; Code 2020, § 36-106; Ord. No. 2615)

Sec. 54-906. - Issuance of license.

Upon direction of the city council, the health department shall issue a city license to the applicant for the supervised home if said health department finds and determines that the applicant is adequately qualified and equipped to conduct, operate and maintain the supervised home for which the license is to be issued; that such supervised home conforms to the requirements of this article; that the supervised home shall not disturb the nature of the neighborhood; that adequate parking and other facilities on the approved site plan shall be provided for inhabitants and employees and other persons in the supervised home; that the supervised home will be operated and maintained in such manner as to be conducive to the benefit and welfare of the inhabitants in such supervised home; that the applicant's financial responsibility is such as to give reasonable assurance of the continued operation and maintenance of such facility; that the applicant and applicant's staff are of good character and reputation; and that the appearance of the supervised home shall be compatible with the neighborhood.

(Code 1973, 23-7; Code 2020, § 36-107; Ord. No. 2615)

Sec. 54-907. - Number of inhabitants; expiration; form; fees; complaints; separate license.

(a) *Number of inhabitants.* The license when issued shall designate the maximum number of inhabitants to be accommodated in the supervised home to which it applies and this number shall at no time be exceeded.

(b) *Expiration.* Each license, whether an original or a renewal license, shall expire on June 30 of each year, unless sooner revoked or surrendered.

(c) *Form; transferability.* Licenses shall be issued on forms prescribed by the health department. Licenses shall not be transferable either as to place or person.

(d) *Fees.* There shall be collected by the health department before the issuance of any license or license renewal an annual fee for each individual facility operated by the applicant in an amount as set forth in the most recent council fee resolution.

(e) *Complaints.* The health department shall investigate any and all complaints filed with its office and report the results of such investigation in writing to the city attorney for the attorney's disposition. Any complaint filed with the health department shall require the name of the complainant, their address and the nature of the complaint filed. All complaints received shall become a permanent part of the licensee's file.

(f) *Separate licenses.* Separate buildings or structures on the same premises under one licensee shall require only one license; however, upon request by the licensee, a separate license may be issued.

(1) No license shall be issued for any supervised home which will be located within 150 feet of a business holding an existing license from the Nebraska Liquor Control Commission.

(2) No supervised home shall be granted a license under this article if it shall be within 1,200 feet of an existing supervised home, unless the city council shall grant a special use permit therefor to said supervised home.

(3) The total number of supervised homes in the city shall not exceed one supervised home for each 3,000 residents of the city, and no license shall be granted under this article for any supervised home which would cause the number of supervised homes in the city to exceed that number, provided that the council may waive this restriction upon application for said waiver by the applicant for a supervised home license.

(Code 1973, 23-8; Code 2020, § 36-108; Ord. No. 2615)

Sec. 54-908. - Rules and regulations.

The health department shall have the power and is hereby authorized to promulgate such rules and regulations for the operation of supervised homes within its jurisdiction which it finds necessary or proper to carry out the intent of this article.

(Code 1973, 23-9; Code 2020, § 36-109; Ord. No. 2615)

Sec. 54-909. - Records and reports required.

(a) Every licensee under this article shall provide and maintain in such supervised home a register in bound book form setting forth the following facts concerning each inhabitant received, cared for or accommodated in such supervised home: Name; last previous address; age; date of admission; next of kin; name and address of the responsible person for the inhabitant's care and maintenance; phone numbers of each or where they can be contacted; name of inhabitant's attending physician and phone numbers, both office and residence; all written or verbal orders of the inhabitant's attending physician, and the date on which such orders were given; date of discharge or death; cause of death; disposition of personal property at death; and the amount and disposition of any money or other valuables deposited with the licensee to the credit of the inhabitant. Every licensee who accommodates any person who has been or is an inhabitant of any mental or penal institution in this or any other state shall furnish, within five days after receiving any such person, the following facts, information and documents about any such person to the chief of police: name; name of mental or penal institution of which the person was an inmate; nature of any mental or physical ailment; number of admissions to mental institutions; number and nature of crimes any such person has been either accused of or convicted of. All entries required by this subsection shall be made within 24 hours from the time of admission, or from the time of occurrence of the event required to be recorded. Every licensee shall keep and maintain such other records and make such report to the health department as it may reasonably require upon such forms as it may prescribe.

(b) Every licensee shall maintain a record setting forth the following facts concerning each nurse, attendant or other employee in such supervised home: name; age; date of employment began in the supervised home; present and last previous address; name and

address of employers during the preceding three year period; position and duties, if employed as a nurse, date and state of registration; date employment terminated; and reason for termination.

(c) A copy of such record shall be delivered to the health department at its office in the city upon request.

(Code 1973, 23-10; Code 2020, § 36-110; Ord. No. 2615)

Sec. 54-910. - Inspection of records.

All records required to be kept under the terms of this article by the licensee shall be open to inspection by the health department at all reasonable hours. It shall be unlawful to make any false entries in the records. In addition to the penalties provided in this Code, falsification of such records or omission of information required thereon shall be cause for revocation of the license.

(Code 1973, 23-11; Code 2020, § 36-111; Ord. No. 2615)

Sec. 54-911. - Inspection of home; enforcement of article; correction of noncompliance with article.

(a) It shall be the duty of the health department to inspect supervised homes for which licenses have been issued under this article as often as it shall be necessary for the adequate control and supervision of the same, and the health department shall have the right to enter all such homes at any reasonable time for the purpose of making necessary investigations and inspections and shall be charged with the responsibility of enforcing and administering the provisions of this article. Every supervised home shall at all reasonable times be open for inspection by the fire chief and representatives of the engineering department of the city as well as the health department. The health department may call upon any department or agency to evaluate any aspects of the supervised home.

(b) In case of any failure by a licensee to comply with the requirements of this article or any rules and regulations promulgated pursuant thereto, the health department shall notify the licensee to correct the noncompliance, breach, default or illegal condition within such

number of days as is reasonable in light of the conditions to be remedied. In the event of failure, or upon refusal of the licensee to comply with the health department's instructions, the health department shall revoke the license in writing, provided that, upon a showing of hardship or other circumstances warranting such action, the health department shall have the authority to grant an extension of time for compliance with the health department instructions.

(Code 1973, 23-12; Code 2020, § 36-112; Ord. No. 2615)

Sec. 54-912. - Compliance with city codes and ordinances.

No license for a supervised home shall be issued unless it is determined that this Code and the ordinances of the City of Hastings which are applicable to such supervised homes are being observed and complied with, including, but not limited to, [chapter 31](#) thereof and codes and ordinances relating to health, sanitation, safety, fire, building, housing, zoning, and electrical.

(Code 2020, § 36-113)

Sec. 54-913. - Alterations, additions or conversion of an existing facility.

Any licensee or applicant desiring to add new construction to an existing facility or to make alterations, additions or conversions of an existing facility for use as a supervised home, before commencing such new construction, alterations, additions or conversions, shall apply to the planning and zoning commission for a new special use permit and shall prepare a revised site plan, plus such other plans as may be necessary to assist the planning and zoning commission in review of the request. This standard shall not apply in the making of repairs or in matters of general maintenance.

(Code 2020, § 36-114)

Sec. 54-914. - Required parking spaces.

For all supervised homes, there shall be provided one off-street parking space for each three occupants, plus one space for each two staff members and employees. Such parking shall be located on the same lot as the main building or immediately adjacent to such supervised home. Parking facilities shall be hard surfaced in accordance with the

requirements of [chapter 40](#) and parking on the streets shall be limited in accordance with this Code.

(Code 1973, 23-13; Code 2020, § 36-115; Ord. No. 2615)

Sec. 54-915. - Building and structural standards generally.

(a) *Approval of plans.* Whenever construction of or addition to a supervised home is contemplated by any licensee or applicant, and following approval of a special use permit, copies of plans and specifications shall simultaneously be submitted in duplicate to the health department, fire chief and the engineering department for review and approval. The submission shall be made in not less than two stages, preliminary and final. After each stage has been reviewed, each copy will be returned to the applicant with comments. Construction work shall not be placed on the market for bids or work commenced until the above departments have approved the final drawings and specifications. Any deviations from these final documents must have approval from each department which previously reviewed the documents in writing prior to work being performed. This standard shall not apply in the making of minor repairs or in matters of general maintenance.

(b) *New construction and additions; preliminary stage.* For new construction and additions at the preliminary plat stage, the following shall be submitted:

- (1) A plot plan showing the size, shape of the entire site, location of proposed building or structure, and relation to any existing buildings or structures, streets, roads, highways, sidewalks or railroads. The plan shall also show properly designated size, characteristics, and location of connections to water, sewer and gas lines.
- (2) Floor plans showing the overall dimensions of the buildings or structures; location, size and purpose of all rooms; location of all doors, windows, fire escapes and other openings, with the swing of the doors properly indicated; and location of stairs, elevators, vertical shafts and chimneys.
- (3) Outline of specifications giving the kind and type of material to be provided.
- (4) Final floor plans and specifications shall include complete working drawings and

contract specifications including layout for plumbing, heating, ventilation and electrical work.

(c) *Alteration, remodeling or conversion.* All plans and specifications as required for new construction or additions shall be provided to the health department, fire chief and the engineering department.

(d) *Requirements; generally.* If construction or addition is delayed for a period of time exceeding one year from the time of review of the final drawings or if any major changes are made, a new evaluation is required.

(Code 1973, 23-14; Code 2020, § 36-116; Ord. No. 2615)

Sec. 54-916. - Adoption of federal and state regulations.

The health department hereby adopts by reference the following state and federal regulations and standards, three copies of each of which are on file in the office of the city clerk:

(1) Regulations and Standards for Centers for the Developmentally Disabled, effective date May 8, 1984.

(2) Regulations and Standards for Centers for Residential Care Facilities, effective date July 28, 1986.

(3) Regulations and Standards for Intermediate Care Facilities, title 175, [chapter 8](#), effective date July 2, 1986.

(4) Regulations and Standards for Skilled Nursing Facilities, title 175, [chapter 12](#), June 20, 1986.

(5) Regulations and Standards Governing Drug Treatment Centers, effective date January 28, 1974.

(6) Regulations and Standards Governing Treatment Centers for Persons With Alcohol Problems or the Chemically Dependent, effective date March 21, 1974.

(7) Regulations and Standards for Health Clinics, effective date September 2, 1975.

(8) Regulations and Standards for Domiciliary Facilities, effective date April 30, 1984.

(9) Regulations and Standards for Boarding Homes, effective date December 12, 1984.

(10) Regulations and Standards for Hospitals, title 175, chapter 9, Nebraska Revised Statutes, 1943, as amended.

(11) Hastings Food Service Code, [chapter 6](#), effective date December 1, 1988.

(12) Food Service Ordinance and Code, U.S. Department of Health, Education, and Welfare, Public Health Service, Food and Drug Administration, effective 1976.

(Code 2020, § 36-117)

Sec. 54-917. - Noncompliance with this article.

After the effective date of the ordinance from which this article is derived, no original license and no renewal license shall be issued for any supervised home as defined in [section 54-501](#) not in compliance with the provisions as set forth in this article. Any supervised home in existence and in actual operation on the effective date of the ordinance from which this article is derived shall have until May 1, 1978, within which to comply as a condition of licensure.

(Code 1973, 23-15; Code 2020, § 36-118; Ord. No. 2615)

Article X. – Administration, Enforcement, and Appeals

Sec. 54-1001. -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.

Sec. 54-1002. - Permits required.

No building or other structure shall be erected, constructed, reconstructed, moved, nor shall there be any alteration, as defined in Section 54-103, 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 54-906. 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)

Sec. 54-1003. - 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)

Sec. 54-1004. - Certificate of compliance.

Subsequent to the effective date of this chapter, no change in the character of use or in the occupancy classification of land or of a building shall be made, nor shall any new building be occupied, until approved by the Development Services Director. Every certificate shall state that the new occupancy complies with all provisions of this chapter. No permit for excavation for, or the erection or alteration of, any building shall be issued before the application has been approved for compliance, and no building or premises shall be occupied until such certificate is issued. A certificate shall be required for all lawful nonconforming uses of land or buildings created on or after August 26, 1968. Application for such certificates for nonconforming uses shall be filed with the Development Services Director by the owner or lessee of the land or building occupied by such nonconforming use within two 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)

Sec. 54-1005. - Board of Adjustment.

In accordance with the provisions of Nebraska State Statutes§ 19-907 there is hereby established a Board of Adjustment, hereinafter referred to as the Board. The Board shall consist of five regular members plus one 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 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 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)

Sec. 54-1006. - Powers and duties.

The Board of Adjustment shall in accordance with the provisions of Neb. Rev. Stat. § 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.
 - (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 Neb. Rev. Stats. §§ 19-901 to 19-915, 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)

Sec. 54-1007. - Planning Commission.

The City Planning Commission shall consist of nine members plus an alternate appointed by the Mayor and confirmed by the City Council. Each member shall be appointed for a three 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 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)

Sec. 54-1008. - 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)

Sec. 54-1009. - 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)

Secs. 54-710-54-800. - Reserved.

ARTICLE XI. -AMENDMENTS, FEE SCHEDULE AND LEGAL PROVISIONS

Sec. 54-1101. - Amendments and procedures.

- (1) Amendments to the zoning map, the text of this chapter or any part of the comprehensive plan, may be initiated in the following manner.
 - (a) By motion and majority vote of the Hastings City Council.
 - (b) By motion and majority vote of the Planning Commission.
 - {c) By petition of the record owner(s) of the property involved or his/her agent.
 - {i) Individuals, other than attorneys at law acting as an agent for a property owner(s), shall submit a notarized statement from the property owner(s) authorizing said individual to act as their agent.
 - {ii) Agency authorization shall be required when submitting any application required under this chapter, applications for a conditional use permit, a variance, an appeal from an administrative decision, or for an interpretation of the zoning ordinance or zoning map.
 - (d) Amendments to the text of the zoning ordinance or the comprehensive plan, may also be initiated by any interested person(s), the City Attorney or the Planning Director.
- (2) Amendment procedure.
 - (a) Petitions for amendments set forth in Section 54-1001(1) of this chapter, shall be submitted to the Development Services Department a minimum of 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 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 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 18 inches in height and 24 inches in width with a white or yellow background and black letters not less than 1½ inches in height. Such posted notice shall be so placed upon such premises that it is easily visible from the street nearest the same and shall be so posted at least ten 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 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 18 inches in height and 24 inches in width with a white or yellow background and black letters not less than 1½ inches in height. Such posted notice shall be so placed upon such premises that it is easily visible from the street nearest the same and shall be so posted at least ten 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 nonresidents 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 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 Neb. Rev. Stat. § 19-904, 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 20 percent or more either of the area of the lots included in such proposed change or of those immediately adjacent on the sides and in the rear thereof, extending 300 feet therefrom and of those directly opposite thereto, extending 300 feet from the street frontage of such opposite lots. Such revision or amendment shall not become effective except by the favorable vote of three-fourths 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)

Sec. 54-1102. - Conditional use permit procedure.

The procedure for submitting an application for a conditional use permit shall be the same as that required for an amendment set forth in Section 54-1001(2)(a) through (h) of this chapter. The specific application content requirements for a conditional use permit are set forth in Section 54-303 of this chapter.

(Ord. No. 4233-11/2009)

Sec. 54-1103. - Other amendments.

Amendments to the comprehensive plan, zoning regulations, building code or other regulations adopted under the authority of Neb. Rev. Stats. §§ 19-924 through 19-929 and §§ 19-901 through 19-922; shall follow the same procedure set forth in Section 54-1001(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)

Sec. 54-1104. - 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 \$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)

Sec. 54-1105. - 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)

Sec. 54-1106. - 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)

Sec. 54-1107. - 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)

Sec. 54-1108. - Fees.

The fees required for application submitted under this chapter shall be

adopted by separate resolution of the Hastings City Council. The fee schedule should include, but not be limited to the following:

- (1) Application for rezoning of land.
- (2) Application for amendment to the text of the Zoning Code.
- (3) Application for a conditional use permit.
- (4) Application for a variance.
- (5) Appeal from an administrative action or determination.
- (6) Application for amendment to the comprehensive plan.
- (7) Applicatio

n for planned district

rezoning. (Ord. No.

4233-11/2009)

Sec. 54-1109. - 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)