

CITY OF VALLEY

DOUGLAS COUNTY, NEBRASKA

ZONING ORDINANCE

ADOPTED BY THE CITY OF VALLEY, NEBRASKA

Prepared By



TABLE OF CONTENTS

ARTICLE 1: TITLE AND PURPOSE 1

SECTION 1.01 TITLE..... 1

SECTION 1.02 PURPOSE..... 1

SECTION 1.03 COMPREHENSIVE PLAN RELATIONSHIP 1

ARTICLE 2: DEFINITIONS 2

SECTION 2.01 RULES..... 2

SECTION 2.02 ABBREVIATIONS AND ACRONYMS..... 2

SECTION 2.03 DEFINITIONS..... 3

ARTICLE 3: DISTRICTS AND OFFICIAL MAP 49

SECTION 3.01 DISTRICTS 49

SECTION 3.02 PROVISION FOR OFFICIAL ZONING MAP 49

ARTICLE 4: GENERAL PROVISIONS 50

SECTION 4.01 PLANNING COMMISSION RECOMMENDATIONS 50

SECTION 4.02 DISTRICT REGULATIONS, RESTRICTIONS, BOUNDARY CREATION 50

SECTION 4.03 JURISDICTION 50

SECTION 4.04 PROVISIONS OF ORDINANCE DECLARED TO BE MINIMUM REQUIREMENTS 50

SECTION 4.05 ZONING AFFECTS EVERY BUILDING AND USE 50

SECTION 4.06 LOT..... 50

SECTION 4.07 REDUCTIONS IN LOT AREA PROHIBITED 50

SECTION 4.08 OBSTRUCTIONS TO VISION AT STREET INTERSECTIONS PROHIBITED 51

SECTION 4.09 YARD REQUIREMENTS 51

SECTION 4.10 DRAINAGE 52

SECTION 4.11 PERMITTED OBSTRUCTIONS IN REQUIRED YARDS 52

SECTION 4.12 ACCESSORY BUILDING AND USES 52

SECTION 4.13 PERMITTED MODIFICATIONS OF HEIGHT REGULATIONS..... 54

SECTION 4.14 OCCUPANCY OF BASEMENTS AND CELLARS 54

SECTION 4.15 NONCONFORMING, GENERAL INTENT..... 54

SECTION 4.16 NONCONFORMING LOTS OF RECORD 54

SECTION 4.17 NONCONFORMING STRUCTURES..... 54

SECTION 4.18 NONCONFORMING USES 55

SECTION 4.19 REPAIRS AND MAINTENANCE..... 56

SECTION 4.20 USES UNDER CONDITIONAL USE PERMIT NOT NONCONFORMING USES 56

SECTION 4.21 REAR YARD SETBACKS REDUCTION 56

SECTION 4.22 SIDE YARD SETBACKS REDUCTION 56

SECTION 4.23 TEMPORARY USES AND PERMITS 56

SECTION 4.24: PROHIBITED USES 58

SECTION 4.25: FEES..... 58

ARTICLE 5: ZONING DISTRICTS 59

SECTION 5.01 DISTRICTS; USE..... 59

SECTION 5.02 DISTRICTS; BOUNDARIES AND OFFICIAL ZONING MAP 59

SECTION 5.03 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES ON THE OFFICIAL ZONING MAP 59

SECTION 5.04 LAND USE CATEGORIES TABLE EXPLANATION 60

SECTION 5.05 ANNEXATION AND CONFORMANCE WITH THE LAND USE PLAN..... 60

SECTION 5.06 LAND USE CATEGORIES/MATRIX 61

SECTION 5.07 TA: TRANSITIONAL AGRICULTURAL DISTRICT..... 70

SECTION 5.08 RS RESIDENTIAL SUBDIVISION DISTRICT..... 71

SECTION 5.09 R-1 LOW DENSITY RESIDENTIAL 72

SECTION 5.10 R-2 MEDIUM/HIGH DENSITY RESIDENTIAL DISTRICT..... 73

SECTION 5.11 R-3 LAKEFRONT RESIDENTIAL DISTRICT 74

SECTION 5.12 RM MOBILE HOME RESIDENTIAL DISTRICT..... 76

SECTION 5.13 C-1 GENERAL COMMERCIAL DISTRICT 78

SECTION 5.14 C-2 CENTRAL BUSINESS DISTRICT 80

TABLE OF CONTENTS

SECTION 5.15 C-3 HIGHWAY COMMERCIAL DISTRICT..... 81

SECTION 5.16 I-1 LIGHT INDUSTRIAL DISTRICT..... 82

SECTION 5.17 I-2 HEAVY INDUSTRIAL DISTRICT..... 83

SECTION 5.18 I-3 GENERAL INDUSTRIAL DISTRICT..... 84

SECTION 5.19 CMD CLUSTERED/MIXED USE DEVELOPMENT DISTRICT 86

SECTION 5.20 HO HIGHWAY CORRIDOR PROTECTION DISTRICT (OVERLAY DISTRICT) 92

SECTION 5.21 FLOODPLAIN REGULATIONS 94

ARTICLE 6: CONDITIONAL USE PERMITS 104

SECTION 6.01 GENERAL PROVISIONS 104

SECTION 6.02 APPLICATION FOR CONDITIONAL USE PERMIT..... 104

SECTION 6.03 PUBLIC HEARING 104

SECTION 6.04 DECISIONS 104

SECTION 6.05 TRANSFERABILITY 104

SECTION 6.06 REVOCATION 105

SECTION 6.07 STANDARDS 105

ARTICLE 7: PARKING REQUIREMENTS 106

SECTION 7.01 PURPOSE..... 106

SECTION 7.02 OFF-STREET AUTOMOBILE STORAGE 106

SECTION 7.03 SCHEDULE OF MINIMUM OFF-STREET PARKING AND LOADING REQUIREMENTS..... 108

SECTION 7.04 OFF-STREET PARKING: SHARED PARKING REQUIREMENTS..... 109

SECTION 7.05 OFF-STREET PARKING: PARKING FOR INDIVIDUALS WITH DISABILITIES 109

SECTION 7.06 OFF-STREET PARKING DESIGN CRITERIA..... 110

ARTICLE 8: SIGN REGULATIONS 112

SECTION 8.01 COMPLIANCE WITH SIGN REGULATIONS 112

SECTION 8.02 SIGN DEFINITIONS 112

SECTION 8.03 SIGN AREA COMPUTATION 115

SECTION 8.04 SIGN SCHEDULES 116

SECTION 8.05 SIGNS, SPECIAL CONDITIONS..... 118

ARTICLE 9: SUPPLEMENTAL REGULATIONS..... 120

SECTION 9.01 HOME OCCUPATIONS AND HOME-BASED BUSINESSES IN RESIDENTIAL DISTRICTS..... 120

SECTION 9.02 HOME OCCUPATIONS AND HOME-BASED BUSINESSES WITHIN THE TA-1 DISTRICTS 122

SECTION 9.03 RADIO, TELEVISION AND WIRELESS COMMUNICATION TOWERS..... 125

SECTION 9.04 FENCES 130

SECTION 9.05 PERFORMANCE STANDARDS FOR INDUSTRIAL USES 131

SECTION 9.06 SMALL WIND ENERGY SYSTEMS 133

SECTION 9.07 COMMERCIAL/UTILITY GRADE WIND ENERGY SYSTEMS..... 134

SECTION 9.08 JUNK YARDS OR SALVAGE YARDS..... 137

SECTION 9.09 BIOFUELS AND DISTILLATION FACILITIES..... 138

SECTION 9.10 SOLAR PANELS 138

SECTION 9.11 SELF-STORAGE UNITS (MINI-WAREHOUSES) 139

SECTION 9.12 AUTO REPAIR, EQUIPMENT REPAIR, AND BODY REPAIR..... 139

SECTION 9.13 AUTOMOBILE AND EQUIPMENT RENTAL AND SALES 139

SECTION 9.14 BED AND BREAKFASTS 139

SECTION 9.15 SALVAGE SERVICES..... 139

SECTION 9.16 OUTDOOR STORAGE CONTAINERS 140

SECTION 9.17 SAND AND GRAVEL, MINERAL, STONE, ROCK, AND SOIL EXTRACTION AND QUARRIES 140

SECTION 9.18 MOBILE FOOD UNITS..... 141

SECTION 9.19 AMATEUR RADIO TOWERS AND FCC PRONOUNCEMENTS 141

SECTION 9.20 ROADSIDE STANDS..... 141

SECTION 9.21 ADULT ENTERTAINMENT ESTABLISHMENTS..... 141

SECTION 9.22 DWELLING UNIT, SPECIAL TYPES 146

SECTION 9.23 SOLAR FARMS: 149

ARTICLE 10: GATED COMMUNITIES..... 153

SECTION 10.01 DEFINITIONS..... 153

SECTION 10.02 GENERAL PROVISIONS 153

SECTION 10.03 GATES 154

SECTION 10.04 PRIVATE STREETS, SIDEWALKS 155

SECTION 10.05 PRIVATE STREET APPROVAL, CONSTRUCTION AND MAINTENANCE..... 155

SECTION 10.06 PUBLIC UTILITIES 155

SECTION 10.07 HOMEOWNERS ASSOCIATION 156

SECTION 10.08 CITY ISSUE BUILDING PERMITS 156

SECTION 10.09 PROCEDURES FOR DISSOLVING A GATED COMMUNITY..... 156

SECTION 10.10 GATED COMMUNITY INDEMNIFICATIONS..... 157

SECTION 10.11 HOMEOWNERS ASSOCIATION GENERAL LIABILITY POLICY 157

SECTION 10.12 GATED COMMUNITY COST DISCLOSURE STATEMENT..... 157

ARTICLE 11: SITE PLANS..... 159

SECTION 11.01 PURPOSE..... 159

SECTION 11.02 APPLICATION AND SCOPE OF SITE PLAN REVIEW AND APPROVAL 159

SECTION 11.03 DEVELOPMENT ACTIVITIES SUBJECT TO SITE PLAN REVIEW 159

SECTION 11.04 ADMINISTRATIVE WAIVER, WHEN PERMITTED 159

SECTION 11.05 SITE PLAN REVIEW PROCEDURES 159

SECTION 11.06 SITE PLAN APPLICATION REQUIREMENTS 159

SECTION 11.07 SITE PLAN APPEALS 160

ARTICLE 12: SITE DESIGN STANDARDS 161

SECTION 12.01 INTENT..... 161

SECTION 12.02 APPLICABILITY..... 161

SECTION 12.03 SITE DEVELOPMENT REQUIREMENTS 161

SECTION 12.04 LANDSCAPING AND SCREENING REQUIREMENTS..... 162

SECTION 12.05 DESIGN STANDARDS FOR DESIGNATED COMMERCIAL AREAS 165

ARTICLE 13: BOARD OF ADJUSTMENT..... 167

SECTION 13.01 MEMBERS, TERMS AND MEETINGS 167

SECTION 13.02 APPEALS TO BOARD, RECORD OF APPEAL, HEARINGS AND STAYS..... 167

SECTION 13.03 POWERS AND JURISDICTION ON APPEAL 167

SECTION 13.04 APPEALS TO DISTRICT COURT 168

ARTICLE 14: AMENDMENTS AND APPLICATION PROCESS 169

SECTION 14.01 PURPOSE..... 169

SECTION 14.02 INITIATION OF AMENDMENTS..... 169

SECTION 14.03 AMENDMENT APPLICATION REQUIREMENTS..... 169

SECTION 14.04 AMENDMENT PROCEDURES 169

SECTION 14.05 BUILDING INSPECTOR 170

SECTION 14.06 ZONING PERMITS 170

SECTION 14.07 CERTIFICATE OF OCCUPANCY..... 171

SECTION 14.08 PENALTIES..... 171

SECTION 14.09 REMEDIES 171

ARTICLE 15: LEGAL STATUS PROVISIONS 172

SECTION 15.01 SEVERABILITY 172

SECTION 15.02 PURPOSE OF CATCH HEADS..... 172

SECTION 15.03 REPEAL OF CONFLICTING ORDINANCES..... 172

SECTION 15.04 EFFECTIVE DATE..... 172

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Article 1: Title and Purpose

Section 1.01 Title

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

Section 1.02 Purpose

This ordinance has been made in accordance with a comprehensive plan and to promote the health, safety, and general welfare of the community; to lessen congestion in streets; to secure safety from fire and other dangers; to provide adequate light and air; to promote the distribution of population, land classifications and land development to support provisions for adequate transportation, water flows, water supply, drainage, sanitation, recreation, and other public requirements; to protect property against blight and depreciation; and to secure economy in governmental expenditures.

Section 1.03 Comprehensive Plan Relationship

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

Article 2: Definitions

Section 2.01 Rules

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

- 2.01.01 Words and numbers used singularly shall include the plural. Words and numbers used in the plural shall include the singular. Words used in the present tense shall include the future.
- 2.01.02 The word "persons" includes a corporation, members of a partnership or other business organization, a committee, board, council, commission, trustee, receiver, agent or other representative.
- 2.01.03 The word "shall" is mandatory. The word "may" is permissive.
- 2.01.04 The words "use", "used", "occupy" or "occupied" as applied to any land or building shall be construed to include the words "intended", "arranged" or "designed" to be used or occupied.
- 2.01.05 The word "commission" shall refer to the Planning Commission of Valley, Nebraska.
- 2.01.06 Undefined words or terms not herein defined shall have their ordinary meaning in relation to the context.
- 2.01.07 In the case of any real or apparent conflict between the text of the Ordinance and any illustration explaining the text, the text shall apply.

Section 2.02 Abbreviations and Acronyms

For purposes of these Regulations this section contains a listing of abbreviations and acronyms used throughout this document.

- ADA = Americans with Disabilities Act
A.U. = Animal Unit
CFR = Code of Federal Regulations
DU = Dwelling Unit
DNR= Department of Natural Resources
FAA = Federal Aviation Administration
FCC = Federal Communication Commission
FEMA = Federal Emergency Management Agency
FT = Foot or Feet
GFA = Gross Floor Area
HUD = US Department of Housing and Urban Development
KV = Kilovolt
KW = Kilowatt
NDEQ= Nebraska Department of Environmental Quality
NDOT= Nebraska Department of Transportation
NEMA= Nebraska Emergency Management Agency
NHHS= Nebraska Department of Health and Human Services
NPDES = National Pollutant Discharge Elimination System
NRCS = Natural Resources Conservation Service
R.O.W. = Right-of-Way
SF = Square Feet
Sq. ft. = Square Feet
SY = Square Yard
USC = United States Code
USACE = United States Army Corps of Engineers
USDA = United States Department of Agriculture
YD = Yard

Section 2.03 Definitions

A

ABANDONMENT shall mean to cease or discontinue a use or activity without intent to resume as distinguished from short term interruptions such as during periods of remodeling, maintenance, or normal periods of vacation or seasonal closure.

ABUT shall mean to border on, be contiguous with or have common property or district lines, including property separated by a public street or alley

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

ACCESSORY APARTMENT shall mean a second dwelling unit either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent living facility with provisions within the accessory apartment for cooking, eating, sanitation, and sleeping. Such a dwelling is an accessory use to the main dwelling.

ACCESSORY BUILDING or STRUCTURE shall mean a detached subordinate building or structure located on the same lot with the principal building or structure, the use of which is incidental and accessory to that of the principal structure. Customary accessory buildings and structures include farm buildings, garages, carports, and storage sheds but not portable storage containers.

ACCESSORY LIVING QUARTERS shall mean living quarters within an accessory building located on the same premises with the main building, for use by temporary guests of the occupant of the premises, such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling unit.

ACCESSORY DWELLING UNIT shall mean a separate, complete housekeeping unit with a separate entrance, kitchen, sleeping area, and full bathroom facilities, which is an attached or detached extension to an existing single-family structure, also referred to as "Granny Flats".

ACCESSORY USE shall mean a use incidental, related, appropriate and clearly subordinate to the main use of the lot or building.

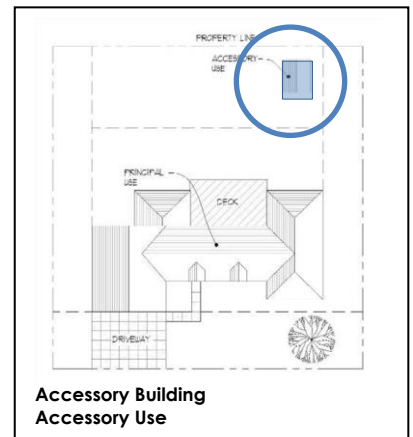
ACREAGE shall mean any tract or parcel of land, used for single-family residential purposes, that does not qualify as a farm or farmstead.

ADJACENT see "Abut".

ADVERTISING STRUCTURE shall mean any structure used as an outdoor display, regardless of size and shape, for the purposes of making anything known, the origin or place of sale of which is not on the property with such Advertising Structure.

AESTHETIC ZONING shall mean zoning to accomplish a standard of exterior architectural appeal and/or neighborhood harmony.

AGENT shall mean any person showing written verification that he/she is acting for, and with the knowledge and consent of, a property owner.





Example of an Agricultural Cooperative Production/Distribution Facility

AGRICULTURAL COOPERATIVE PRODUCTION/DISTRIBUTION FACILITY shall mean any facility owned and operated by a cooperative or other corporation for the purpose of manufacturing, distributing, and storage of fertilizers, herbicides and grain. This includes the offices, scales and parking areas necessary for trucks and other vehicles.

AGRICULTURAL OR FARM BUILDINGS shall mean any building or structure which is necessary or incidental to the normal conduct of a farming operation, including but not limited to, residence of hired persons, barns, buildings and sheds for housing livestock, poultry and farm machinery, buildings for the storage or shelter of grain, hay and other crops, silos,

windmills and water storage tanks.

AGRICULTURAL INDUSTRIES shall mean establishments or uses engaged in the large-scale storage or initial processing of agricultural products and supplies that cannot be otherwise categorized as light, general, or heavy industries, some of which may involve storage of potentially hazardous materials. Typical uses include grain elevators and anhydrous ammonia storage facilities.

AGRICULTURAL SALES AND SERVICE shall mean an establishments or places of business engaged in sale from the premises of feed, grain, fertilizers, farm equipment, pesticides and similar goods or in the provision of agriculturally related services with incidental storage on lots other than where the service is rendered. Typical uses include nurseries, hay, farm implement dealerships, feed and grain stores, and tree service firms.

AGRICULTURE shall mean the use of land for agricultural purposes, for obtaining a profit by raising, harvesting, and selling crops or by the feeding, breeding, management, and sale of, or the produce of, livestock, poultry, fur-bearing animals, or honeybees, or for dairying and the sale of dairy products, or any other agricultural or horticultural use.

ALL-TERRAIN VEHICLE shall mean any motorized off-highway vehicle which (i) is fifty inches or less in width, (ii) has a dry weight of nine hundred pounds or less, (iii) travels on three or more low-pressure tires, (iv) is designed for operator use only with no passengers or is specifically designed by the original manufacturer for the operator and one passenger, (v) has a seat or saddle designed to be straddled by the operator, and (vi) has handlebars or any other steering assembly for steering control.

ALLEY shall mean a public or private thoroughfare which affords only a secondary means of access to property abutting thereon.

ALTERATION shall mean any change, addition or modification to the construction or occupancy of an existing structure.

AMENDMENT shall mean a change in the wording, context, or substance of this Ordinance, or an addition, deletion or change in the district boundaries or classifications upon the Official Zoning Map.

AMUSEMENT ARCADE shall mean a building or a part of a building where five or more pinball machines, video games, or similar player-oriented amusement devices are available and are maintained for use.

AMUSEMENT PARK shall mean a facility, primarily outdoors, that may include structures and buildings, where are various devices for entertainment, including rides, booths for the conduct of games or sale of items, buildings for shows and entertainment, and restaurants and souvenir sales.

ANIMAL, DOMESTIC see Household Pet.

ANIMAL, FARM shall mean livestock associated with agricultural operation, commonly kept or raised as a part of an agricultural operation including but not limited to horses, cattle, sheep, swine, goats, chickens, turkeys.

ANIMAL HOSPITAL shall mean a place where animals are given medical care and the boarding of animals is limited to short-term care incidental to the hospital use.

ANIMAL UNIT shall mean any farming operation or the feeding, farrowing, or raising cattle, swine, sheep, poultry, or other livestock, in a confined area where grazing is not possible, and where the confined area is for more than 6 months in any one calendar year, and where the number of animals so maintained exceeds 300 Animal Units as defined below. The confined area of the Livestock Feeding Operation (LFO) shall include the pens, corrals, sheds, buildings, feed storage areas, waste disposal ponds, and related facilities. Such facilities shall be constructed and operated in conformance with applicable county, state, and federal regulations. Two or more LFO's under common ownership are deemed to be a single LFO if they are adjacent to each other or if they utilize a common area of system for the disposal of livestock wastes. Animal Units (A.U.) are defined as follows:

- One (1) A.U. = One Cow/Calf combination;
- One (1) A.U. = One Slaughter, Feeder Cattle;
- One (1) A.U. = One-half Horse;
- One (1) A.U. = Seven Tenths Mature Dairy Cattle;
- One (1) A.U. = Two and One Half Swine (55 lbs. or more);
- One (1) A.U. = Twenty-Five Weaned Pigs (less than 55 lbs.);
- One (1) A.U. = Two Sows with Litters;
- One (1) A.U. = Ten Sheep;
- One (1) A.U. = One Hundred Chickens;
- One (1) A.U. = Fifty Turkeys;
- One (1) A.U. = Five Ducks.

ANTENNA shall mean any attached or external system of wires, poles, rods, reflecting disks or similar devices used for the transmission or reception of electromagnetic waves. Also, see Satellite Dish Antenna and Tower.

ANTIQUÉ SHOPS shall mean a place offering primarily antiques for sale. An antique for the purpose of this ordinance shall be a work of art, piece of furniture, decorative object, or the like, that is at least 30 years old.

APARTMENT shall mean a room or a suite of rooms within an apartment house or multiple family dwelling arranged, intended or designed as a place of residence for a single family or group of individuals living together as a single housekeeping unit, including culinary accommodations. Also, see Dwelling Unit.



APARTMENT COMPLEX shall mean a building or buildings containing apartments used as a place of residence for more than two households.

APARTMENT HOTEL shall mean a building designed for or containing both apartments and individual hotel guest rooms under resident supervision, maintaining an inner lobby through which all tenants must pass to gain access to apartments and hotel rooms.

APARTMENT HOUSE see Dwelling, Multiple.

APPEARANCE shall mean the outward aspect visible to the public.

APIARY shall mean a place where bee colonies are kept.

APPLICANT shall mean the owner or duly designated representative of land proposed to be subdivided, or for which a special use permit, conditional use permit, temporary use permit, zoning amendment, variance, appeal, building permit, or certificate of occupancy and other similar administrative permits has been requested. Consent shall be required from the legal owner or his legal representative in writing except for building permits.

APPLICATION, COMPLETED shall mean an application for a zoning request that contains the following: (1) submittal and completion of all applicable application forms; (2) submittal of all required supporting application information; and, (3) submittal of all required fees.

APPROPRIATE shall mean fitting the context of the site and the whole community.
















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

AQUIFER shall mean a geologic formation, group of formations, or part of a formation capable of yielding, storing, or transmitting a usable amount of groundwater to wells or springs for domestic or animal use.

ARBORIST shall mean an individual trained in arboriculture, forestry, landscape architecture, horticulture, or related fields and experienced in the conservation and preservation of native and ornamental trees.

ARCHITECTURAL APPEARANCE shall mean the architectural character and general composition of the exterior of a structure, including but not limited to the kind, color, and texture of the building material and the type, design, and character of all windows, doors, light fixtures, signs, and appurtenant elements.

ARCHITECTURAL CHARACTER see Architectural Concept

<p>ARCHITECTURAL CONCEPT</p>			
<p>LINES</p>			
<p>MASS</p>			
<p>TEXTURE</p>			
<p>ARCHITECTURAL STYLE</p>			

ARCHITECTURAL COMPOSITION shall mean the scale, height, mass, proportion, color, form, style, detail, treatment, construction material, and roof design of a project or building.

ARCHITECTURAL CONCEPT shall mean the basic aesthetic idea of a building, or group of buildings or structures, including the site and landscape development that produces the architectural character.

ARCHITECTURAL FEATURE shall mean a prominent or significant part or element of a building, structure, or site. Architectural features may include special lines, massing, and/or texture.

1. **LINES** shall mean visual elements of the building, either within the façade or on the building edge, which are in linear form either horizontally or vertically and may be composed of masonry, glass, or other related materials.
2. **MASS** shall mean volume or bulk of a building or structure.
3. **TEXTURE** shall mean the quality of a surface, ranging from mirror finish, smooth, to course and unfinished.

ARCHITECTURAL STYLE shall mean the characteristics form and detail, as of buildings of a particular historic period.

ARTISAN PRODUCTION SHOP shall mean a building or portion thereof used for the creation of original handmade works of art or craft items by more than three but less than six artists or artisans, as either a principal or accessory use.

ARTIST STUDIO shall mean a place designed to be used, or used as, both a dwelling place and a place of work by an artist, artisan, or craftsman, including persons engaged in the application, teaching, or performance of fine arts such as, but not limited to, drawing, vocal or instrumental music, painting, sculpture, and writing.

ATTACHED shall mean a foundation, wall or roof of a building or structure which is connected to and supported by the foundation, wall, or roof of another building or structure.

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

AUTO BODY REPAIR shall mean the Repair, painting, or refinishing of the body, fender, or frame of automobiles, trucks, motorcycles, motor homes, recreational vehicles, boats, tractors, construction equipment, agricultural implements, and similar vehicles or equipment. Typical uses include body and fender shops, painting shops, and other similar repair or refinishing garages.

AUTO SERVICES shall mean the provision of fuel, lubricants, parts and accessories, and incidental services to motor vehicles; and washing and cleaning and/or repair of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include service stations, car washes, muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, and similar repair and service activities but exclude dismantling, salvage, or body and fender repair services.

AUTOMATIC TELLER MACHINE (ATM) shall mean an automated device that performs banking or financial functions at a location remote from the controlling financial institution.



AUTOMOBILE RENTAL AND SALES shall mean sale or rental of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles or boats, including incidental storage, maintenance, and servicing. Typical uses include new and used car dealerships; motorcycle dealerships; and boat, trailer, and recreational vehicle dealerships.

AUTOMOBILE SALES-RETAIL shall mean a retail business housed either in a structure or on a tract of land that sells or leases new or used automobiles, trucks, vans, recreational vehicles, boats or motorcycles or other similar motorized transportation vehicles. Retail automobile sales shall include any operation with three or

more vehicles, as stated above, for sale at any time and/or a total of 10 sold during the course of a calendar year.

AUTOMOBILE SALES – WHOLESALE shall mean a wholesale business housed either in a structure or on a tract of land that sells new or used automobiles, trucks, vans, recreational vehicles, boats, or motorcycles or other similar motorized transportation vehicles to automobile sales retail outlets.

AUTOMOBILE WRECKING YARD shall mean any lot, or the use of any portion of a lot, for the dismantling or wrecking of automobiles, tractors, farm machinery, or other motor vehicles, or for the storage or keeping for sale of parts and equipment resulting from such dismantling or wrecking.

AUTOMOTIVE AND MACHINERY REPAIR SHOP shall mean a building used for the repair of motor vehicles or machinery; when such repair shall be wholly within a completely enclosed building. This definition also includes body repair and painting.

AUTOMOTIVE SALES AREA shall mean an open area, other than a street, used for display or sale of new or used motor vehicles and trailers by one required to be licensed as a motor vehicle dealer by the State of Nebraska, and where no repair work is done except minor incidental repair of motor vehicles or trailers to be displayed and sold on the premises.

B

BALLROOM shall mean a place or hall used for dancing, other than those listed under the definition of “Adult Cabaret”. Ballrooms shall also be used for reunions, weddings and receptions.

BAR shall mean any establishment whose principal business is serving alcoholic beverages at retail for consumption on the premises. Also, see Nightclub and Tavern.

BASE FLOOD shall mean the flood, from whatever source, having a one percent chance of being equaled or exceeded in any given year, otherwise referred to as the 100-year flood.

BASE FLOOD ELEVATION shall mean that elevation, expressed in feet above mean sea level, to which flooding can be expected to occur on a frequency of once in every 100 years, or which is subject to a one percent or greater chance of flooding in any given year.

BASE ZONING DISTRICT shall mean a district established by this Ordinance that prescribes basic regulations governing land use and site development standards.

BASEMENT shall mean the substructure or foundation of a building; the lowest habitable story of a building, usually below ground level. A basement used for independent dwelling or business purposes shall be considered a story for the purposes of height measurement.

BEACON shall mean any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.

BED AND BREAKFAST INN shall mean a dwelling that is used for the purpose of offering overnight lodging and meals to travelers for a fee which dwelling has unique structural and/or site characteristics which create the appearance of an Inn type setting. Such dwelling shall have a maximum of six guest rooms available for travelers lodging and no more than 12 guests may stay at any time. Guests who stay at the bed and breakfast shall not remain for a period of more than 30 consecutive days.

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

BEER GARDEN shall mean a permanent establishment which includes any area out-of-doors and not completely contained within a building in which alcoholic beverages or food is served.

BEGINNING OF CONSTRUCTION shall mean that site grading is the beginning of construction.

BERM shall mean a raised form of earth to provide screening or to improve the aesthetic character.

BEST INTERESTS OF COMMUNITY shall mean interests of the community at large and not the interest of the immediate neighborhood.

BIG BOX RETAIL STORE shall mean a singular retail or wholesale user who occupies no less than 75,000 square feet of gross floor area, typically requires high parking to building area ratios and has a regional sales market regional retail/wholesale can include, but are not limited to, membership warehouse clubs that emphasizes bulk sales, discount stores, and department.

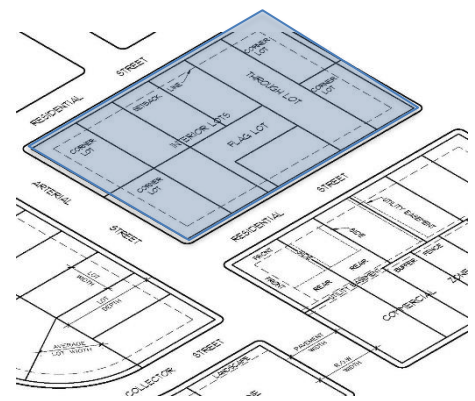


Example of Big Box Retail Store
Source: Google Earth

BILLBOARD see Sign, Billboard.

BLOCK shall mean a parcel of land platted into lots and bounded by public streets or by waterways, rights-of-way, non-platted land, City or County boundaries, or adjoining property lines.

BLOCK FRONTAGE shall mean that section of a block fronting on a street between two intersecting streets or other block boundary.



Example of a Block
Example of Block Frontage

BOARD OF ADJUSTMENT shall mean that Board that has been created by the City and which has the statutory authority to hear and determine appeals from, interpretations of, and variances to the zoning regulations.

BOARDING OR ROOMING HOUSE shall mean a building other than a hotel or motel, but containing a single dwelling unit and provisions for three but not more than 20 guests, where lodging is provided with or without meals for compensation.

BOAT SLIP (STATION) shall mean a space designed for the mooring of a single watercraft. Such spaces may extend from a dock or shoreline but shall not be allowed to project from a community pier.

BOAT DOCK shall mean a structure built over a floating upon water and used as a landing place for boats and other marine transport, fishing, swimming, and other recreational uses.

BOAT PIER (COMMUNITY) shall mean a boat-docking facility associated with a subdivision or similar residential area or with a condominium, apartments, or other multi-family dwelling units. Community pier does not include a private pier or a mooring.

BOAT PIER (PRIVATE) see Boat Dock

BREW-ON PREMISES STORE shall mean a facility that provides the ingredients and equipment for a customer to use to brew malt liquor at the store. Brew-on-premises stores do not include the sale of intoxicating liquor, unless the owner of the brew-on-premises store holds the appropriate liquor license.

BREW PUB shall mean a restaurant or hotel which includes the brewing of beer as an accessory use. The brewing operation processes water, malt, hops, and yeast into beer or ale by mashing, cooking, and fermenting. By definition, these establishments produce no more than 10,000 barrels of beer or ale annually. The area, by definition, used for brewing, including bottling and kegging shall not exceed 25 percent of the total floor area of the commercial space. Also see Brewery, Craft.

BREWERY shall mean a facility for brewing ales, beers, meads and/or similar beverages on site. Breweries are classified as a use that manufactures more than 10,000 barrels of beverage (all beverages combined) annually.

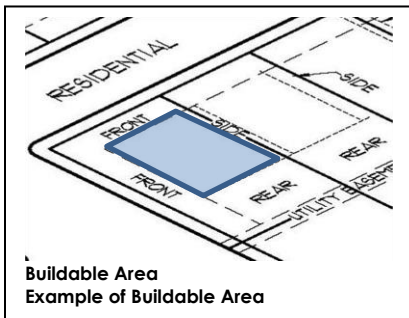
BREWERY, CRAFT shall mean a brew pub or a microbrewery.

BREWERY, MICRO shall mean a facility for the production and packaging of malt beverages of low alcoholic content for distribution, retail or wholesale, on or off premises, with a capacity of not more than 10,000 barrels per year. The development may include other uses such as standard restaurant, bar, or live entertainment as otherwise permitted in the zoning district.

BUFFER shall mean a strip of land established to protect one type of land use from another incompatible land use or between a land use and a private or public road. Also, see Screening.

BUFFER AREA shall mean an open and unobstructed ground area of a plot in addition to any no building zones or street widening around the perimeter of any plot where required.

BUFFERYARD shall mean a landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.



BUILDABLE AREA shall mean that part of a zoning lot not included within the required yards or subject to other restrictions herein required.

BUILDING shall mean any structure built and maintained for the support, shelter or enclosure of persons, animals, chattels, or property of any kind, but shall not include temporary buildings as defined in "Structure, Temporary". Trailers, with or without wheels, shall not be considered buildings.

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

BUILDING CODE shall mean the various codes of the City of Valley that regulate construction and require building, electrical, mechanical, plumbing and other permits to as well as other codes adopted by the City that pertain to building construction.

BUILDING COVERAGE shall mean the area of a site covered by buildings or roofed areas, excluding allowed projecting eaves, balconies, and similar features.

BUILDING ENVELOPE shall mean the three-dimensional space within which a structure is permitted to be built on a lot after all zoning and other applicable municipal requirements have been met.

BUILDING HEIGHT shall mean the vertical distance above 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 point of a gable, hip, or shed roof, measured from the highest adjoining sidewalk or ground surface within a five feet horizontal distance of the exterior wall of the building.

BUILDING LINE shall mean the outer boundary of a building established by the location of its exterior walls.

BUILDING OFFICIAL shall mean the designee of the City Council, responsible for the enforcement of the building and land use regulations of the City of Valley.

BUILDING SETBACK LINE shall mean the required zoning distance between a building and the lot line.

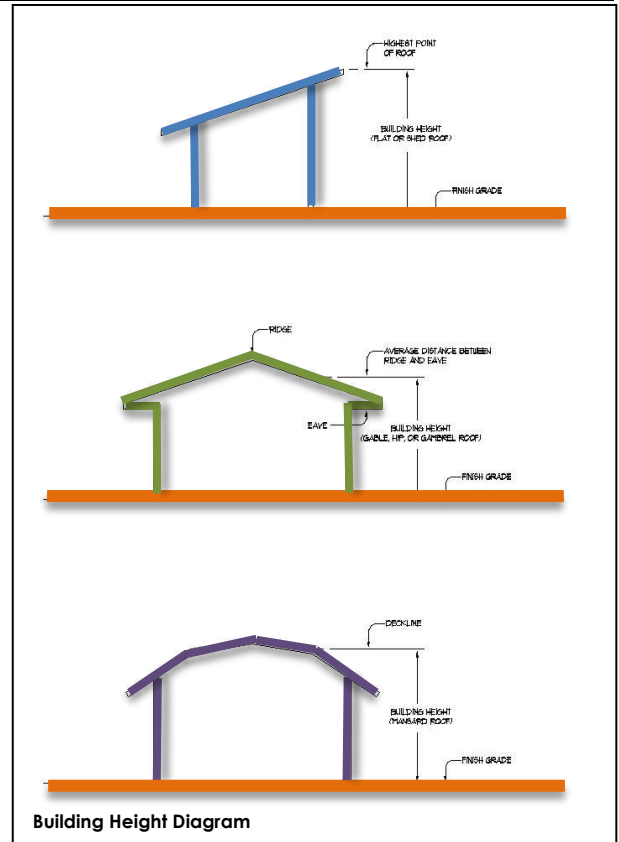
BULK REGULATIONS shall mean regulations controlling the size and relationship of structures and uses to each other and to open areas and lot lines. Bulk regulations include regulations controlling: (1) maximum height (2) maximum lot coverage and (3) minimum size of yard and setbacks.

BUSINESS shall mean activities that include the exchange or manufacture of goods or services on a site.

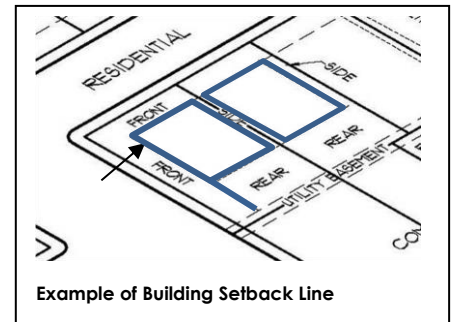
BUSINESS CENTER shall mean a building containing more than one commercial business, or any group of nonresidential buildings within a common development, characterized by shared parking and access.

BUSINESS SERVICES shall mean uses providing services to people, groups, businesses, dwellings and other buildings. Business services shall include janitorial services, carpet and upholstery cleaning, painting and decorating, building maintenance, swimming pool maintenance, security service, graphics/advertising agency, photocopying/duplication, quick print shops, printing, blueprinting, sign painting, non-vehicle equipment rental, photographic studios.

BUSINESS SUPPORT SERVICES shall mean establishments or places of business primarily engaged in the sale, rental or repair of equipment, supplies and materials or the provision of services used by office, professional and service establishments to the firms themselves but excluding automotive, construction and farm equipment; or engaged in the provision of maintenance or custodial services to businesses. Typical uses include office equipment and supply firms, small business machine repair shops or hotel equipment and supply firms, janitorial services, photography studios, and convenience printing and copying.



Building Height Diagram



Example of Building Setback Line

C



Cabin, hunting and fishing

CABIN shall mean a small one story house built and designed for temporary use.

CABIN, HUNTING AND FISHING Buildings used only during hunting and fishing season as a base for hunting and fishing, and outdoor recreation.

CAMPER shall mean any coach, cabin, house trailer, house car or other vehicle or structure intended for or capable of temporary occupancy as living and sleeping quarters as is primarily required during camping or vacation travels. Such facility has characteristics similar to a mobile home in that it can be conveyed on the streets. However, in no way is it intended to become a residence.

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

CAMPGROUND, LEASED (See "Leased Campground")

CAMPING TRAILER See Camper.

CAR WASH shall mean a building or structure or an area of land with machine or hand operated facilities for the cleaning, washing, polishing, or waxing of motor vehicles.

CAR WASH, INDUSTRIAL shall mean a mechanical facility for the washing, waxing and vacuuming of heavy trucks and buses.

CARPORT shall mean a permanent roofed structure with not more than two enclosed sides used or intended to be used for automobile shelter and storage.

CELLAR shall mean a building space having less than one-half of its height below the average adjoining grade lines.

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

CERTIFICATE OF OCCUPANCY shall mean an official certificate issued by the Building Official or his/her designee, upon finding of conformance with the zoning regulations and other applicable ordinances of the City and authorizing legal use of the premises for which it is issued.

CHANNEL shall mean the geographical area located within either the natural or the artificial banks of a watercourse or drainageway.

CHARITABLE shall mean a public or semi-public institutional use of a philanthropic, charitable, benevolent, religious, or eleemosynary character, but not including sheltering or caring of animals.

CHILD CARE CENTER shall mean an establishment other than a public or parochial school, which provides day care, play groups, nursery schools or education for nine or more children under age 13, at any one time, from families other than that of the provider. In addition to these regulations, Child Care Centers shall meet all requirements of the State of Nebraska.

CHILD CARE HOME shall mean an operation in the provider's place of residence, which serves at least four, but not more than eight children at any one time from families other than that of the provider. A Family Child Care Home provider may be approved to serve no more than two additional school-age children

during non-school hours. In addition to these regulations, Child Care Homes shall meet all requirements of the State of Nebraska.

CHURCH, STOREFRONT shall mean a religious facility contained within a store or similar structure not typically used for religious activities that are now used as a meeting place for a congregation, including but not limited to, barns, stores, warehouses, old public buildings, and single-family dwellings.

CITY shall mean the City of Valley, Nebraska. Also, "City Council" or "Governing Body."

CITY ATTORNEY shall mean the City Attorney of the City of Valley or his/her authorized deputy, agent or representative.

CITY COUNCIL shall mean the City Council of Valley, Nebraska.

CITY ENGINEER shall mean the City Engineer as hired or appointed by the Mayor, City Council and City Council or his/her authorized deputy, agent or representative.

CITY LIMITS shall mean the established corporate boundary of the City of Valley.

CLEAR VIEW ZONE See Sight Triangle.

CLUB shall mean an association of persons (whether or not incorporated), religious or otherwise, for a common purpose, but not including groups which are organized primarily to render a service carried on as a business for profit.

CLUSTERED DEVELOPMENT shall mean a development design technique that concentrates buildings in specific areas on a site to allow remaining land to be used for recreation, common open space, or the preservation of historically or environmentally sensitive features.

CODE shall mean the Municipal Code of the City of Valley, Nebraska.

COFFEE KIOSK shall mean a retail food business in a freestanding building that sells coffee, or other nonalcoholic beverages, and pre-made bakery goods from a drive-through window to customers seated in their automobiles for consumption off the premises and that provides no indoor or outdoor seating.

COMMISSION shall mean the Planning Commission of Valley, Nebraska.

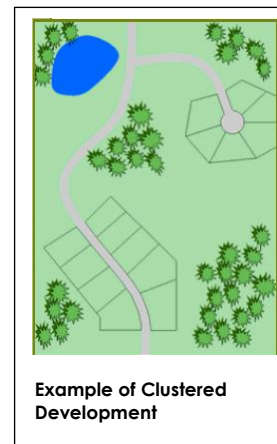
COMMON AREA OR PROPERTY shall mean a parcel or parcels of land, together with the improvements thereon, the use and enjoyment of which are shared by the Owners of the individual building sites in a Planned Development or condominium development.

COMMON DEVELOPMENT shall mean a development proposed and planned as one unified project not separated by a public street or alley.

COMMON OPEN SPACE shall mean land within or related to a development that is not individually owned or dedicated for public use, designed and generally intended for the common use of the residents of the development.

COMMUNICATION SERVICES shall mean establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms but excludes those classified as Utilities. Typical uses include television studios, telecommunication service centers, telegraph service offices, or film and sound recording facilities.

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



COMPATIBILITY shall mean harmony in the appearance of two or more external design features in the same vicinity.

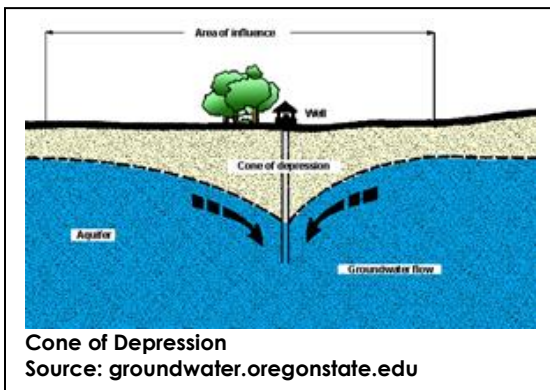
COMPATIBLE USE shall mean the degree to which two or more different land use types are able to exist together in close proximity, with no one use having significant negative effects on any other use.

COMPREHENSIVE DEVELOPMENT PLAN shall mean the Comprehensive Development Plan of Valley, Nebraska as adopted by the City Council, setting forth policies for the present and foreseeable future community welfare as a whole and meeting the purposes and requirements set forth in the Neb. Rev. Stat. §19-903.

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

CONDITIONAL USE PERMIT shall mean a permit issued by the Planning Commission and City Council that authorizes the recipient to make a conditional use of property in accordance with the provisions of Article 6 and any additional conditions placed upon, or required by said permit.

CONDOMINIUM shall mean real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions, pursuant to the Nebraska Condominium Act, as set forth in Neb. Rev. Stat. §§ 76-825 to 76-894 (R.R.S.1997).



CONE OF DEPRESSION shall mean the three-dimensional area of water table created by a pumping well. The pumping well creates an artificial discharge area by drawing down (lowering) the water table around the well.

CONFLICTING LAND USE shall mean the use of property which transfers over neighboring property lines negative economic or environmental effects, including, but not limited to, noise, vibration, odor, dust, glare, smoke, pollution, and water vapor, or consists of mismatched land uses, density, height, mass, or layout of adjacent uses, or results in a loss of privacy.

CONGREGATE HOUSING shall mean a residential facility for four or more persons aged 55 years or over and their spouses, providing living and sleeping facilities including meal preparation, dining areas, laundry services, room cleaning and common recreational, social, and service facilities for the exclusive use of all residents including resident staff personnel who occupy a room or unit in the residential facility. Also, see Life Care Facility.

CONSERVATION shall mean the management of natural resources to prevent waste, destruction, or degradation.

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

CONSERVATION DEVELOPMENT shall mean a development design technique that concentrates buildings in specific areas on a site to allow remaining land to be used for recreation, common open space, or the preservation of historically or environmentally sensitive features.

CONSERVATION EASEMENT shall mean, as defined by Nebraska RRS 76-2,111 a right, whether or not stated in the form of an easement, restriction, covenant, or condition in any deed, will, agreement, or other instrument executed by or on behalf of the owner of an interest in real property imposing a limitation upon the rights of the owner or an affirmative obligation upon the owner appropriate to the purpose of retaining or protecting

the property in its natural, scenic, or open condition. Assuring its availability for agricultural, horticultural, forest, recreational, wildlife habitat, or open space use, protecting air quality, water quality, or other natural resources, or for such other conservation purpose as may qualify as a charitable contribution under the Internal Revenue Code.

CONSERVATION SUBDIVISION shall mean wholly or in majority, a residential subdivision that permits a reduction in lot area, setback, or other site development regulations, provided 1) there is no increase in the overall density permitted for a conventional subdivision in a given zoning district, and 2) the remaining land area is used for common space.

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

CONSTRUCTION AND DEMOLITION WASTE DISPOSAL AREA shall mean any area for the sole purpose of disposal of construction and demolition waste.

CONSTRUCTION YARDS shall mean establishments housing facilities of businesses primarily engaged in construction activities, including incidental storage of materials and equipment on lots other than construction sites. Typical uses are building contractor's yards.

CONVALESCENT SERVICES shall mean a use providing bed care and inpatient services for persons requiring regular medical attention but excluding a facility providing surgical or emergency medical services and excluding a facility providing care for alcoholism, drug addiction, mental disease, or communicable disease. Typical uses include nursing homes.

CONTIGUOUS see Abut.

CORPORATE LIMITS shall mean all land, structures and open space that has been annexed into the City's jurisdiction. This does not include the extraterritorial jurisdiction of the City.

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

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

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

COURTYARD shall mean an open, unoccupied space, bounded on two or more sides by the walls of the building.

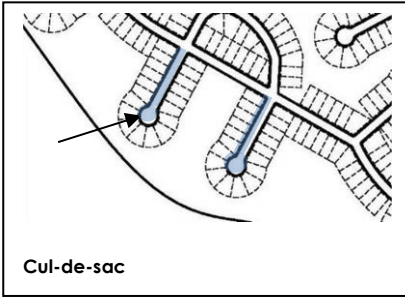
CONVENIENCE STORE shall mean a one-story, retail store containing less than 2,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket."), it is dependent on, and is designed to attract and accommodate large volumes of stop-and-go traffic.



CONVENTIONAL SUBDIVISION shall mean a subdivision which literally meets all nominal standards of the Land Development Ordinance for lot dimensions, setbacks, street frontage, and other site development regulations.

CREATIVE SUBDIVISION shall mean a subdivision that, while complying with the Subdivision Ordinance, diverges from nominal compliance with site development regulations in the Land Development Ordinance. Creative subdivisions imply a higher level of pre-planning than conventional subdivisions. They may be employed for the purpose of environmental protection or the creation of superior community design. Types of Creative Subdivisions include Cluster Subdivisions and New Urban Residential Districts.

CROP PRODUCTION shall mean the raising and harvesting of tree crops, row crops for field crops on an agricultural or commercial basis. This definition may include accessory retail sales under certain conditions.



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

CULTURAL SERVICES shall mean a library, museum, or similar registered nonprofit organizational use displaying, preserving and exhibiting objects of community and cultural interest in one or more of the arts and sciences.

CURVE LOT see Lot, Curve.

D

DATE OF SUBSTANTIAL COMPLETION shall mean the date certified by the local building inspector or zoning administrator when the work, or a designated portion thereof is sufficiently complete, so the owner may occupy the work or designated portion thereof for the use for which it is intended.

DECIDUOUS SCREEN shall mean landscape material consisting of plants which lose their leaves in winter and eventually will grow and be maintained at six feet in height, at least.

DECK shall mean a flat, floored, roofless structure. Roofless does not include a roll-out awning or a canopy provided that all the vertical sides, other than the residential structure are open.

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

DENTENTION BASIN shall mean a facility for the temporary storage of stormwater runoff.

DENTENTION FACILITY shall mean a publicly or privately operated or contracted use providing housing and care for individuals legally confined, designed to isolate those individuals from the community.

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

DEVELOPMENT shall mean any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations for which necessary permits may be required.

DEVELOPMENT CONCEPT PLAN see Site Plan.

DEVELOPMENT REVIEW shall mean the review, by the City, of subdivision plats, site plans, rezoning requests, or permit review.

DISTRICT OR ZONE shall mean a section or sections of the Zoning Area for which uniform regulations governing the use of land, the height, use, area, size, and intensity of use of buildings, land, and open spaces are established.

DOG KENNEL see Kennel, Boarding or Training, and Kennel, Commercial.

DOMESTIC ANIMALS see Household Pet.

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

DRAINAGEWAY shall mean any depression two feet or more below the surrounding land serving to give direction to a current of water less than nine months of the year, having a bed and well-defined banks; provided, that when there is doubt as to whether a depression is a watercourse or drainageway, it shall be presumed to be a watercourse.

DRIVE-IN FACILITY shall mean an establishment where customers can be served without leaving the confinement of their vehicle.

DRIVEWAY shall mean any vehicular access to an off-street parking or loading facility.

DUMP shall mean a place used for the disposal, abandonment, discarding by burial, incineration, or by any other means for any garbage, sewage, trash, refuse, rubble, waste material, offal or dead animals. Such use shall not involve any industrial or commercial process.

DUPLEX see Dwelling, Two Family.

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

DWELLING, MANUFACTURED HOME shall mean a factory-built structure which is to be used as a place for human habitation, which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site, which does not have permanently attached to its body or frame any wheels or axles, and which bears a label certifying that it was built in compliance with standards promulgated by the HUD.

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

- a) Permanently Attached: Attached to real estate in such a way as to require dismantling, cutting away, unbolting from permanent continuous foundation or structural change in such mobile home in order to relocate it on another site in accordance to manufacturers recommendations.
- b) Permanent Foundation: Base on which building rests, to be constructed from either poured concrete or laid masonry block or brick on a footing to be placed a minimum of 42 inches below the final ground level.

DWELLING, MODULAR shall mean any dwelling whose construction consists entirely of or the major portions of its construction consist of a unit or units not fabricated on the final site for the dwelling unit, which units are movable or portable until placed on a permanent foundation and connected to utilities, pursuant to the Nebraska Uniform Standards for Modular Housing Units Act, as set forth in Neb. Rev. Stat. §§ 71-1557 to 71-1568.01 (Cum.Supp.2000). Further, such dwelling must also meet or be equivalent to the construction criteria set forth in the Nebraska Uniform Standards for Modular Housing Units Act. Such dwelling is considered to be a conventional type single-family dwelling, and those that do not meet the above criteria shall be considered a mobile home.

DWELLING, MODULAR (HOME SEAL) shall mean a device or insignia issued by the Nebraska Department of Health to be displayed on the exterior of the modular housing unit to evidence compliance with departmental standards.

DWELLING, MULTIPLE shall mean a building or buildings designed and used for occupancy by three or more families, all living independently of each other, and having separate kitchen and toilet facilities for each family.

DWELLING, SEASONAL shall mean a dwelling designed and used as a temporary residence and occupied less than six months in each year.

DWELLING, SINGLE FAMILY shall mean a building having accommodations for or occupied exclusively by one family, which meets all the following standards. This definition applies to all “double-wide” mobile or manufactured homes that meet the following standards.

- a) The home shall have no less than 800 square feet of floor area, above grade, for single story construction;
- b) The home shall have no less than a 18 feet exterior width;
- c) The roof 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 existing site-built, single family residences;
- e) The home shall have a non-reflective roof material that is or simulates asphalt or wood shingles, tile, or rock. However, standing seam roofs are allowable provided it's non-reflective;
- f) The home shall be placed on a continuous permanent foundation and have wheels, axles, transporting lights, and removable towing apparatus removed, and
- g) The home shall meet and maintain the same standards that are uniformly applied to all single-family dwellings in the zoning district.
- h) The home shall have a permanent foundation, to be constructed from either poured concrete or laid masonry block or brick on a footing to be placed a minimum of 42 inches below the final ground level.



DWELLING, SINGLE FAMILY ATTACHED shall mean a portion of a residential building having accommodations for and occupied exclusively by one family, and which is located on a separate lot of record apart from the remaining portions of the building. Each such dwelling may be sold independently of other portions.

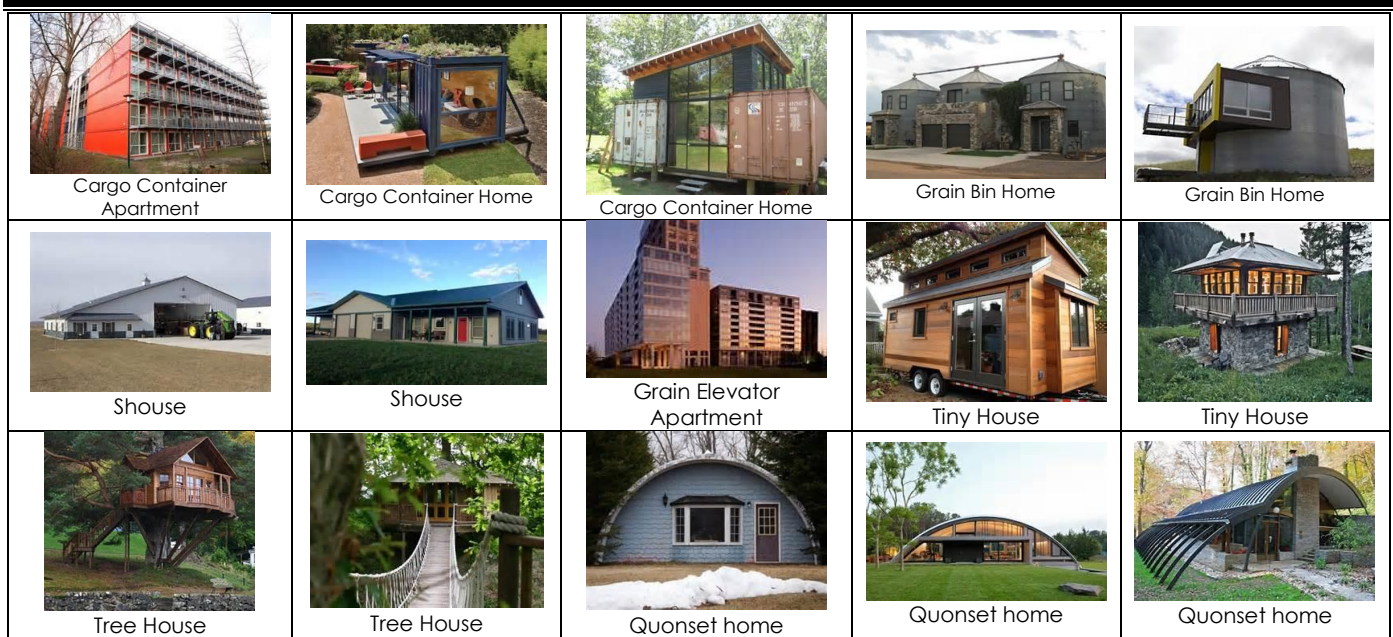
DWELLING, TOWNHOUSE shall mean a one-family dwelling in a row of at least two such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical wall(s).

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

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

DWELLING UNIT, SPECIAL TYPES shall mean any dwelling type consisting of single-family detached; single-family attached, multi-family, mobile home that is not meet the typical construction style of traditional stick framed structures.

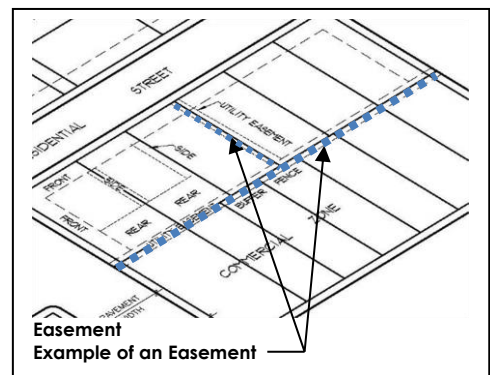
1. **Cargo Container Dwelling:** a dwelling unit constructed of one or more new or used cargo containers used for multi-modal shipping and meeting the definition of dwelling unit above.
2. **Grain Bin Dwelling Unit:** A dwelling unit constructed of one or more grain bins, new or used meeting the definition of Dwelling Unit above.
3. **Quonset home:** A home constructed beneath and in a structure referred to as a Quonset.
4. **Shouse:** A combination of a dwelling unit and machine shed under a common or connect roofing system. For purposes of a Shouse, these structures when on a farm, agricultural operation, or acreage shall not be classified as a farm building. In addition, the residence portion of the facility shall meet the definition of Dwelling Unit above.
5. **Tiny House:** A structure containing living spaces including sleeping and kitchen areas which measure 500 square feet or less in area. Tiny houses can be either portable, on wheels similar to a recreational vehicle, or on a permanent foundation.
6. **Tree House:** A dwelling unit where the primary structure of the unit is based on one or more tree clusters.



E

EASEMENT shall mean a grant, made by a property owner, to the use of his or her land by the public, a corporation, or persons, for specific purposes, such as access to another property or the construction of utilities, drainage ways or roadways.

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



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

ELECTRIC DISTRIBUTION SUBSTATION shall mean an electric substation with a primary voltage of less than 161 KV, with distribution circuits served therefrom.

ELECTRIC TRANSMISSION SUBSTATION shall mean an electric transformation or switching station with a primary voltage of more than 161 KV without distribution circuits served therefrom.

ELEEMOSYNARY INSTITUTION shall mean an institution supported by charity and designed to assist persons, for example; those recovering from mental or emotional illness.

EMERGENCY SHELTER MISSION shall mean a facility which provides temporary housing for one or more individuals who are indigent, needy, homeless or transient.

EMERGENCY RESIDENTIAL SERVICES shall mean a facility or use of a building to provide a protective sanctuary for victims of crime or abuse, including emergency housing during crisis intervention for victims of rape, abuse, or physical beatings.

ENCROACHMENT shall mean an obstruction or illegal or unauthorized intrusion into a delineated floodway, right-of-way, or adjacent property.

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

EQUIPMENT RENTAL AND SALES shall mean the sale or rental of trucks, tractors, construction equipment, agricultural implements, mobile homes, and similar heavy equipment, including incidental storage, maintenance, and servicing. Typical uses include truck dealerships, construction equipment dealerships, and mobile home sales establishments.

EQUIPMENT REPAIR SERVICES shall mean the Repair of trucks, tractors, construction equipment, agricultural implements, and similar heavy equipment. Typical uses include truck repair garages, tractor and farm implement repair services, and machine shops, but exclude dismantling, salvage, or body and fender repair services.

ERECTED shall mean constructed upon or moved onto a site.

ETHANOL PLANT shall mean a facility where the conversion of biomass into an alcohol fuel product is undertaken. The facility also includes the processing of certain by-products resulting from the fermentation and distillation process.

EVERGREEN OR CONIFEROUS SCREEN shall mean landscape material consisting of plants which retain leaves or needles throughout the year which eventually will grow and be maintained at six feet in height, at least.

EXISTING AND LAWFUL shall mean the use of a building, structure, or land was in actual existence, operation, and use, as compared to the use being proposed, contemplated, applied for, or in the process or being constructed or remodeled. In addition, the use must have been permitted, authorized, or allowed by law or any other applicable regulation prior to the enactment of a zoning regulation when first adopted or permitted, authorized or allowed by the previous zoning regulation prior to the adoption of an amendment to that zoning regulation.

EXPRESSWAY shall mean a street or road that provides fast and efficient movement of large volumes of vehicular traffic between areas and does not provide direct access to property.

EXTRATERRITORIAL JURISDICTION shall mean the area beyond the corporate limits of the City, in which the State has granted the City the power to exercise zoning jurisdiction and building regulations.

F

FACADE shall mean the exterior wall of a building exposed to public view from the building's exterior.

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

FAMILY shall mean one or more persons living together and sharing common living, sleeping, cooking, and eating facilities within an individual housing unit, no more than 4 of whom may be unrelated. The following persons shall be considered related for the purpose of this title:

1. Persons related by blood, marriage, or adoption;
2. Persons residing with a family for the purpose of adoption;
3. Not more than eight persons under 19 years of age, residing in a foster house licensed or approved by the State of Nebraska.
4. Not more than eight persons 19 years of age or older residing with a family for the purpose of receiving foster care licensed or approved by the State of Nebraska.
5. Person(s) living with a family at the direction of a court.

FAMILY CHILD CARE HOME I shall mean a child care operation in the provider's place of residence which serves between four and eight children at any one time. A Family Child Care Home I provider may be approved to serve no more than two additional school-age children during non-school hours. In addition to these regulations, a Child Care Home shall meet requirement of the State of Nebraska.

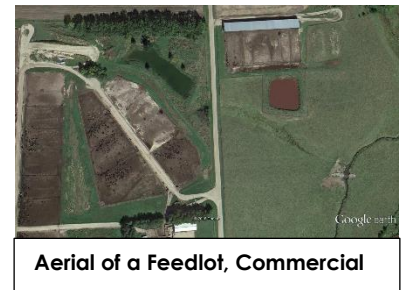
FAMILY CHILD CARE HOME II shall mean a child care operation either in the provider's place of residence or a site other than the residence, serving twelve or fewer children at any one time. In addition to these regulations, a Child Care Home shall meet requirement of the State of Nebraska.

FARM an area containing at least 20 acres or more which is used for growing or storage of the usual farm products such as vegetables, fruit, and grain, as well as for the raising thereon of the usual farm poultry and farm animals, and which produces 1,000 dollars or more per year of farms products raised on the premises. The term farming includes the operating of such area for one or more of the above uses with the necessary accessory uses for treating or storing the produce and the feeding of livestock as hereinafter prescribed provided such accessory uses do not include the feeding of garbage or offal to swine or other animals.

FARMER'S MARKET shall mean an occasional or periodic market held in an open area or in a structure where groups of sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and crafts items, and food and beverages (but not to include second hand goods) dispensed from booths located on-site.

FEDERAL shall mean the federal government of the United States of America.

FEEDLOT, COMMERCIAL shall mean a lot or building or combination of lots and buildings intended to be used for the confined feeding, breeding, raising or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetation cover cannot be maintained in the enclosure. This definition does not include the pasturing of livestock.



FENCE shall mean a structure serving as an enclosure, barrier or boundary above ground.

FENCE, INVISIBLE shall mean an electronic pet containment system that includes the burying of wire and the use of transmitters for complete enclosure of a yard or creating sectional areas within a yard.

FENCE, OPEN shall mean a fence, including gates, which has 50 percent or more of the surface area in open spaces, which affords direct views through the fence.

FENCE, SOLID shall mean any fence, which does not qualify as an open fence.

FINANCIAL SERVICES shall mean the provision of financial and banking services to consumers or clients. Walk-in and drive-in services to consumers are provided on site. Typical uses include banks, savings and loan associations, savings banks, and loan companies.

FIREWORKS shall mean any substance or combination of substances or articles prepared for the purpose of producing a visible and audible effect by combustion, explosion, deflagration, or detonation, and includes blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives other than paper caps are used, firecrackers, torpedoes, sky rockets, Roman candles, Daygo bombs, sparklers, or other fireworks containing any explosive or flammable compound, or any tablet or other device containing any explosive substance. Nothing in this regulation shall be construed as applying to tot paper caps containing not more than 0.25 of a grain (16.20 milligrams) of explosive composition per cap.

FIREWORKS STAND shall mean any tent used for the retail sale of fireworks, on a temporary basis.

FIREWORKS STORAGE shall mean any permanent building and/or structure where fireworks are stored for any portion of a year provided there is no retail sales made from the storage location. Said storage facility may also be used for the delivery and distribution of fireworks on a wholesale basis.

FLOOD shall mean a general and temporary condition of partial or complete inundation of normally dry land areas from: (1) The overflow of inland or tidal waters, or (2) The unusual and rapid accumulation of runoff of surface waters from any source.

FLOODPLAIN shall mean any land area susceptible to being inundated by water from any source.

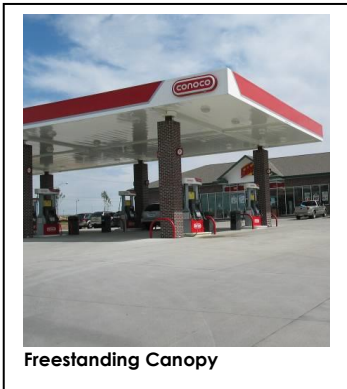
FLOOD PROOFING shall mean any combination of structural and non-structural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY shall mean the channel of a 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 a designated height.

FLOOR AREA shall mean the square feet of floor space within the outside line of the walls, including the total of all space on all floors of the building. Floor area shall not include porches, garages, or spaces in a basement, cellar, or attic.

FOOD SALES shall mean establishments or places of business primarily engaged in the retail sale of food or household products for home consumption. Typical uses include groceries, delicatessens, meat markets, retail bakeries, and candy shops.

FOOD SALES (LIMITED) shall mean food sales establishments occupying 10,000 square feet or less space.



FOOD SALES (GENERAL) shall mean food sales establishments occupying more than 10,000 square feet of space; typically, a supermarket.

FOUNDATION shall mean that part of a building or wall, wholly or partly below grade, that constitutes a structural base for such building or wall.

FREESTANDING CANOPY shall mean a permanent, freestanding, unenclosed roof structure, typical of gas stations and financial institutions, designed to provide patrons shelter from the elements.

FRONTAGE shall mean that portion of a parcel of property that abuts a dedicated public street or highway.

G

GARAGE, PRIVATE shall mean a detached accessory building up to and including 1,000 s.f., including carports, on the same lot as a dwelling, used to house vehicles of the occupants of the dwelling. Private garages shall not have any sort of repair service facilities or function as a location where motor vehicles are kept for rental or sale.

GARAGE, PUBLIC shall mean any garage other than a private garage designed or used for equipment, repairing, hiring, servicing, selling, or storing motor driven vehicles.

GARAGE, REPAIR shall mean a building designed and used for the storage, care, repair, or refinishing of motor vehicles including both minor and major mechanical overhauling, paint, and body work. Also, see Service Station.

GARAGE, STORAGE shall mean a detached accessory building over 1,000 s.f., on the same lot as a dwelling, used to house vehicles, recreational vehicles, and other consumables owned by the occupants of the dwelling.

GARBAGE shall mean any waste food material of an animal or vegetable nature, including that which may be used for the fattening of livestock.

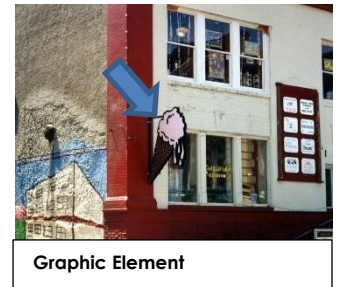
GATED COMMUNITY shall mean a residential area containing more than four lots in which access to the subdivision streets are restricted by the use of guardhouse, gate, or electronic arm, to which residents may gain entry by using electronic cards, identification stickers, codes, or remote control devices.

GENERAL OFFICES shall mean the Use of a site for business, professional, or administrative offices. Typical uses include real estate, insurance, management, travel, or other business offices; organization and association offices; banks or financial offices; or professional offices.

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

1. For buildings having walls facing one street only, the grade shall be the elevation of the sidewalk at the center of the wall facing the street.
2. For buildings having walls facing more than one street, the grade shall be the average elevation of the grades of all walls facing each street.
3. For buildings having no walls facing a street, the grade shall be the average level of the finished surface of the ground adjacent to the exterior walls of the building.

GRAPHIC ELEMENT shall mean a letter, illustration, symbol, figure, insignia, or other device employed to express and illustrate a message or part thereof.



GREENHOUSE shall mean a building or premises used for growing plants, preparing floral arrangements for off-site delivery to customers, cold storage of flowers or dry storage of materials used for agricultural or horticultural purposes.

GREENHOUSE, NONCOMMERCIAL shall mean a building constructed primarily of glass, plastic or similar material in which temperature and humidity can be controlled for the cultivation of fruit, herbs, flowers, vegetables or other plants intended for private use and not for sale.

GREENWAY shall mean a parcel or parcels of land, together with the improvements thereon, dedicated as an easement for access and/or recreation; usually a strip of land set-aside for a walkway, bicycle trail, bridle path, or other similar access-way.



GROSS FLOOR AREA shall mean the total enclosed area of all floors of a building, measured to the inside surfaces of the exterior walls. This definition excludes the areas of basements, elevator shafts, airspaces above atriums, and enclosed off-street parking and loading areas serving a principal use.

GROUND COVER shall mean plant material used in landscaping which remains less than 12 inches in height at maturity.

GROUNDWATER shall mean water naturally occurring beneath the surface of the ground that fills available openings in the rock or soil materials such that they may be considered saturated.

GROUP CARE HOME shall mean a home, which is operated under the auspices of an organization which is responsible for providing social services, administration, direction, and control for the home which is designed to provide 24-hour care for individuals in a residential setting.

GROUP HOME shall mean a dwelling with resident staff shared by four or more handicapped persons who live together as a single housekeeping unit and in a long term, family-like environment in which staff persons provide care, education, and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential. As used herein, the term "handicapped" shall mean having: (1) A physical or mental impairment that substantially limits one or more of such person's major life activities so that such person is incapable of living independently; or (2) A record of having such an impairment; (3) being regarded as having such impairment.

GROUP HOUSING shall mean two or more separate buildings on a lot, each containing one or more dwelling units.

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

H

HALF-STORY shall mean a story under a sloped roof which has the intersection of the roof line and exterior wall face not more than three feet above the floor of such story.

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

HARD SURFACED shall mean any surface used for movement of vehicular and/or pedestrians which is properly designed and paved with either concrete, asphalt, or masonry brick or pavers.

HARMONY shall mean a quality that represents an appropriate and congruent arrangement of parts, as in an arrangement of varied architectural and landscape elements.

HAZARDOUS WASTE shall mean any discarded material, refuse, or waste products, in solid, semisolid, liquid, or gaseous form, that cannot be disposed of through routine waste management techniques because they pose a present or potential threat to human health, or to other living organisms, because of their biological, chemical, or physical properties.

HEALTH CLUB shall mean a privately-owned facility operated for profit, such as gymnasiums, athletic clubs, health clubs, recreational clubs, reducing salons, and weight control establishments.

HEALTH RECREATION FACILITY shall mean an indoor or outdoor facility including uses such as game courts, exercise equipment, locker rooms, whirlpool spa and/or sauna and pro shop.

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

HOME IMPROVEMENT CENTER shall mean a facility of more than 30,000 square feet of gross floor area, engaged in the retail sale of various basic hardware lines, such as tools, builders' hardware, paint, glass, housewares, household appliances, garden supplies, and cutlery.

HOME OCCUPATION shall mean an "in-home" or "home based" or entrepreneurial business operating from a residential dwelling within Valley. Any portion of a residential property, including a home phone, computer, mailing address, etc., used in deriving income or sales, will require a resident to obtain a Home Occupation Permit. Child Care Homes and Child Care Centers are not considered a Home Occupation.

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

HORTICULTURE shall mean the growing of horticultural and floricultural specialties, such as flowers, shrubs, or trees intended for ornamental or landscaping purposes. This definition may include accessory retail sales under certain conditions. Typical uses include wholesale plant nurseries and greenhouses.

HOSPICE shall mean a facility serving as a medical and residential facility for end of life treatment, providing inpatient services and support services for families of the residents and patients.

HOTEL shall mean a building or portion thereof, or a group of buildings, offering transient lodging accommodations on a daily rate to the general public and providing services associated with restaurants, meeting rooms, and recreational facilities. The word "hotel" includes but is not limited to motel, inn, automobile court, motor inn, motor lodge, motor court, tourist court, and motor hotel.

HOUSEHOLD PET shall mean an animal that is customarily kept for personal use or enjoyment within the home. Household pet shall include but not be limited to domestic dogs, domestic cats, domestic tropical birds, fish, and rodents.

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

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

INCIDENTAL USE shall mean a use, which is subordinate to the main use of a premise.

INDUSTRIAL USES shall mean the manufacture, fabrication, processing, reduction or destruction of any article, substance or commodity, or any other treatment thereof in such a manner as to change the form, character, or appearance thereof, and any storage facilities operated in conjunction with an industrial use or for a fee, including storage elevators, truck storage yards, warehouses, wholesale storage and other similar types of enterprise.

INDUSTRIAL, GENERAL shall mean enterprises engaged in the processing, manufacturing, compounding, assembly, packaging, treatment or fabrication of materials and products from prepared materials or from raw materials without noticeable noise, odor, vibration, or air pollution effects across property lines.

INDUSTRIAL, HEAVY shall mean enterprises involved in the basic processing and manufacturing of products, predominately from raw materials, with noticeable noise, odor, vibration, or air pollution effects across property lines; or a use or process engaged in the storage of or processes involving potentially or actually hazardous, explosive, flammable, radioactive, or other commonly recognized hazardous materials.

INDUSTRIAL, LIGHT shall mean establishments engaged in the manufacture or processing of finished products from previously prepared materials, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution. These establishments are characterized by having no major external environmental effects across property lines and include no unscreened or unenclosed outdoor storage. Typical uses include commercial bakeries, dressed beef processing plants, soft drink bottling, apparel assembly from fabrics, electronics, manufacturing, print shops and publishing houses.

INFILL DEVELOPMENT shall mean the construction of a building or structure on a vacant parcel located in a predominantly built up area.

INFILL SITE shall mean any vacant lot, parcel or tract of land within developed areas of the City and where water, sewer, streets, schools, and fire protection have already been constructed or are provided. a predominantly built up area.

INFRASTRUCTURE shall mean facilities and services needed to sustain industry, residential, commercial, and all other land-use activities, including water lines, sewer lines, and other utilities, streets and roads, communications, and public facilities such as fire stations, parks, schools, etc.

INOPERABLE MOTOR VEHICLE shall mean any motor vehicle which: (1) Does not have a current state license plate; or, (2) Which is disassembled or wrecked in part or in whole, or is unable to move under its own power; or, (3) is not equipped as required by Nebraska State Law for operation upon streets or highways. A vehicle

that is wholly or partially dismantled shall not be considered inoperable when said vehicle is inside a completely enclosed building.

INSTITUTIONAL BUILDING shall mean a public and public/private group use of a nonprofit nature, typically engaged in public service (i.e. houses of worship, nonprofit cultural centers, charitable organizations).

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

INTENT AND PURPOSE shall mean that the Commission and Council by the adoption of this Regulation, have made a finding that the health, safety, and welfare of the Community will be served by creation of the District and by the regulations prescribed therein.

J

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

JUNK YARD shall mean any lot, land parcel, building, or structure or part thereof for storage, collection, purchase, sale, salvage, or disposal of machinery, farm machinery, and including motor vehicles, parts and equipment result from dismantling or wrecking, or keeping of junk, including scrap metals or other scrap materials, with no burning permitted. For motor vehicles, see "Automobile Wrecking Yard".

K

KENNEL, BOARDING, or TRAINING shall mean a use on any lot or premises in which dogs, cats or any other household pets, at least four months of age, are raised, boarded, bred, or trained.

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

KENNEL, PRIVATE shall mean an establishment where three or more dogs or cats, or combination thereof, other household pets, or non-farm/non-domestic animals at least four months of age, excluding vicious animals, are raised, bred, or boarded

L

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

LANDFILL, CONSTRUCTION MATERIAL shall mean the use of a site as a depository for solid wastes that do not readily undergo chemical or biological breakdown under conditions normally associated with land disposal operations. Typical disposal material would include ashes, concrete, paving wastes, rock, brick, lumber, roofing materials and ceramic tile.

LANDFILL, SOLID WASTE see Sanitary Landfill

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

LANDSCAPED AREA shall mean the area within the boundaries of a given lot, site or common development consisting primarily of plant material, including but not limited to grass, trees, shrubs, vines, ground cover, and other organic plant materials; or grass paver masonry units installed such that the appearance of the area is primarily landscaped.

1. **Perimeter Landscaped Area:** Any required landscaped area that adjoins the exterior boundary of a lot, site or common development.
2. **Interior Landscaped Area:** Any landscaped area within a site exclusive of required perimeter landscaping.

LANDSCAPING shall include the original planting of suitable vegetation in conformity with the requirements of this Regulation and the continued maintenance thereof.

LARGE BOX RETAIL shall mean a singular retail or wholesale user that occupies no less than 30,000 square feet of gross floor area. These uses typically include: membership wholesale clubs emphasizing in large bulk sales, discount stores, pharmacies, grocery stores, especially warehouse style point of sale concepts and departments.

LAUNDRY, SELF SERVICE shall mean an establishment that provides home-type washing, drying, and/or ironing facilities for customers on the premises.

LIFE CARE FACILITY shall mean a facility for the transitional residency of the elderly and/or disabled persons, progressing from independent living to congregate apartment living where residents share common meals, culminating in full health, and continuing care nursing home facility. Also, see Congregate Housing.

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

LIMITS OF GRADING shall mean the outermost edge of the area in which the existing topography is to be altered by cutting and/or filling.

LIQUID MANURE shall mean that type of livestock waste that is in a liquefied state, collected in manure pits or lagoons in order to be sprayed/applied on the surface or injected beneath the surface.

LIQUID MANURE STORAGE PITS shall mean earthen, concrete or lined pits located wholly or partially beneath a semi or totally housed (ECH) livestock animal feeding operation or at some removed location used to collect waste production.

LIQUID WASTE MANAGEMENT SYSTEM shall mean a system where the majority of the animal waste in the lots, pens and/or buildings of a LFO is removed by flushing out such waste with water.

LIQUOR SALES shall mean Establishments or places of business engaged in retail sale for off-premise consumption of alcoholic beverages. Typical uses include liquor stores, bottle shops, or any licensed sales of liquor, beer or wine for off-site consumption.

LIVESTOCK shall mean cattle, buffalo, horses, sheep, goats, swine, poultry, and other animals or fowl, which are being produced primarily for use as food or food products for human consumption.

LIVESTOCK FEEDING OPERATION (LFO) shall mean any farming operation in a confined area where grazing is not possible, and where the confined area is for more than six months in any one calendar year, and where the number of animals so maintained exceeds 1,000 Animal Units as defined below. The confined area of the LFO shall include the pens, corrals, sheds, buildings, feed storage areas, waste disposal ponds, and related facilities. Such facilities shall be constructed and operated in conformance with applicable county, state, and federal regulations. Two or more LFO's under common ownership are deemed to be a single LFO if they are adjacent to each other and utilize a common area of system for the disposal of livestock wastes.

LIVESTOCK LAGOON (see "Waste Handling System")

LIVESTOCK PASTURING OPERATION shall mean any livestock operation that uses pasture, as defined under this regulation, as the primary source of feed for the animals.

LIVESTOCK SALES shall mean the use of a site for the temporary confinement and exchange or sale of livestock. Typical uses include sale barns.

LIVESTOCK SALES YARD shall mean an enclosure or structure designed or used for holding livestock for purposes of sale or transfer by auction, consignment, or other means.

LIVESTOCK WASTES shall mean animal and poultry manure including associated feed losses, bedding, spillage, or overflow from watering systems, wash and flushing waters, sprinkling waters from livestock cooling, precipitation polluted by falling on or flowing onto a livestock operation, and other materials polluted by livestock or their direct product.

LIVESTOCK WASTE CONTROL FACILITIES OR FACILITY OR FACILITIES (see "Waste Handling System")

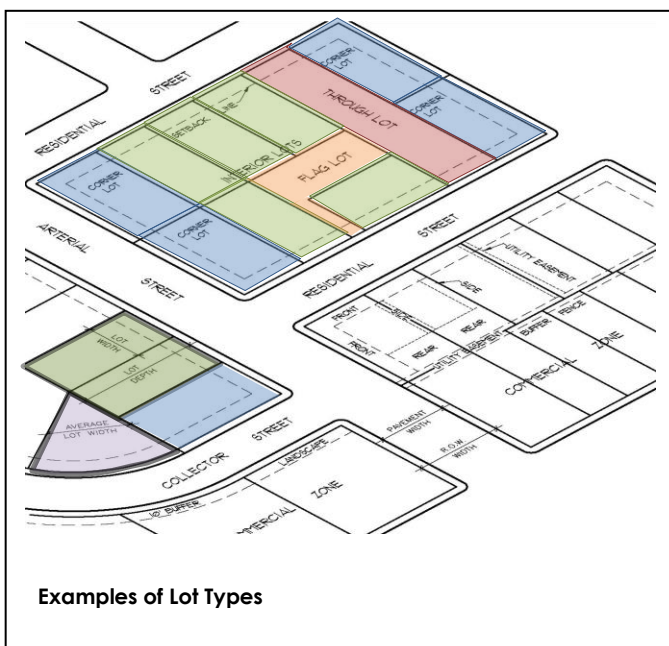
LOADING AREA/SPACE shall mean an off-street space or berth on the same lot with a main building, or contiguous to a group of buildings, for the temporary parking of commercial vehicles while loading or unloading, and which abuts a street, alley, or other appropriate means of ingress and egress.

LOCAL STREET shall mean a street or road primarily for service to abutting properties.

LOGIC OF DESIGN shall mean accepted principles and criteria of validity in the solution of the problem of design.

LONG-TERM CARE FACILITY shall mean a facility as defined in Title 15, Chapter 3 Nebraska Department of Health and Human Services and NRS Section 71-2017.01. These facilities include:

1. Nursing Facilities;
2. Boarding Home;
3. Adult Care Home;
4. Assisted Living Facility;
5. Center for the Developmentally Disabled;
6. Group Residence;
7. Swing Bed; and
8. Adult Day Care.



LOT shall mean a parcel or tract of land which is or may be occupied by a use herein permitted, together with yards, and other open spaces herein required, that has frontage upon an improved street, and is a part of a recorded subdivision plat or has been recorded prior to the adoption of the Regulation, or a parcel of real property delineated on an approved record of survey, lot-split or sub-parceling map as filed in the office of the Douglas County Register of Deeds and abutting at least one improved public street or right-of-way, two thoroughfare easements, or one improved private road.

LOT CORNER shall mean a lot located at the intersection of two or more streets at an angle of not more than 135 degrees. If the angle is greater than 135 degrees, the lot shall be considered an "Interior Lot". The setbacks for a front yard shall be met on all abutting streets.

LOT, DOUBLE FRONTAGE, or THROUGH shall mean a lot having a frontage on two non-intersecting streets as distinguished from a corner lot.

LOT, FLAG shall mean an interior lot, the majority of which has frontage and access provided by means of a narrow corridor.

LOT, INTERIOR shall mean a lot other than a corner lot.

LOT, TRIPLE FRONTAGE shall mean a lot which is bounded on three sides by a dedicated street and its associated right-of-way.

LOT AREA shall mean the total area, on a horizontal plane, within the lot lines of a lot.

LOT COVERAGE shall mean the portion of a lot or building site which is occupied by any building or structure, excepting paved areas, walks and swimming pools, regardless of whether said building or structure is intended for human occupancy or not.

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

LOT FRONTAGE shall mean the side of a lot abutting on a legally accessible street right-of-way other than an alley or an improved county road. For the purposes of this definition, on corner lots, all sides of a lot adjacent to streets or roads shall be considered frontage.

LOT LINE shall mean the property line bounding a lot.

LOT LINE, FRONT shall mean the property line abutting a street.

LOT LINE, REAR shall mean a lot line not abutting a street which is opposite and most distant from the front lot line.

LOT LINE, SIDE shall mean any lot line not a front lot line or rear lot line.

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

LOT OF RECORD shall mean a lot or parcel of land, the deed to which has been recorded in the records of the Merrick County Register of Deeds at the time of the passage of a regulation establishing the zoning district in which the lot is located.

LOT WIDTH shall mean the average horizontal distance between the side lot line, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

M

MANUFACTURED HOME see Dwelling, Manufactured Home.

MANUFACTURED HOME PARK shall mean a parcel of land under single ownership that has been planned and improved for the placement of manufactured housing used or to be used for dwelling purposes and where manufacture home spaces are not offered for sale or sold. The term "manufacture home park" does not include sales lots on which new or used manufactured homes are parked for the purpose of storage, inspection, or sale.

MANUFACTURED HOME SUBDIVISION shall mean any area, piece, parcel, tract or plot of ground subdivided and used or intended to be used for the purpose of selling lots for occupancy by manufactured homes.

MANUFACTURING shall mean the mechanical or chemical transformation of materials or substances into new products. Manufacturing uses are usually described as plants, factories, or mills and characteristically use power driven machines and materials handling equipment. Assembling component parts of manufactured products is also considered manufacturing if the new product is neither a structure nor other fixed improvement. Also included is the blending of material such as lubricating oils, plastics, resins, or liquors. Manufacturing production is usually carried on for the wholesale market, for interplant transfer, or to order for industrial users, rather than for direct sale to the domestic consumer.

MANUFACTURING, CUSTOM shall mean an establishment primarily engaged in the on-site production of goods by hand manufacturing, within enclosed structures, involving:

1. The use of hand tools, or
2. The use of domestic mechanical equipment not exceeding 2 horsepower, or
3. A single kiln not exceeding 8 KW or equivalent.

This category also includes the incidental direct sale to consumers of only those goods produced on site. Typical uses include ceramic studios, custom jewelry manufacturing, and candle making shops.

MASSAGE ESTABLISHMENT shall mean shall mean any building, room, place, or establishment other than a regularly licensed and established hospital or dispensary where non-medical or non-surgical manipulative exercises or devices are practiced upon the human body manually or otherwise by any person other than a licensed physician, surgeon, dentist, occupational and/or physical therapist, chiropractor, or osteopath with or without the use of therapeutic, electrical, mechanical, or bathing device. Said establishment shall comply with all state regulations as per §71-1,278 through §71-1,283, Nebr. R.R.S., 1943

MASTER FEE SCHEDULE shall mean a fee schedule maintained by the City of Valley and passed, and amended periodically, which establishes the required fees to be collected for specific Planning, Zoning, and Subdivision activities.

MECHANICAL EQUIPMENT shall mean equipment, devices, and accessories, the use of which relates to water supply, drainage, heating, ventilating, air conditioning, and similar purposes.

MEDICAL OFFICES shall mean the use of a site for facilities which provide diagnoses and outpatient care on a routine basis, but which does not provide prolonged, in-house medical or surgical care. Medical offices are operated by doctors, dentists, or similar practitioners licensed for practice in the State of Nebraska.

MINI-STORAGE OR MINI-WAREHOUSE see Self-Service Storage Facility.

MISCELLANEOUS STRUCTURES shall mean structures, other than buildings, visible from public ways. Examples are memorials, staging, antennas, water tanks and towers, sheds, shelters, fences, and walls, kennels, and transformers.

MIXED USE shall mean properties where various uses, such as office, commercial, institutional, and residential are combined in a single building or on a single site in an integrated development project with significant functional interrelationships and a coherent physical design.

MIXED USE BUILDING shall mean a building or structure that incorporates two or more use types within a single building or structure, provided that each use type is permitted within the individual Base Zoning District in which the building or structure is to be located.

MIXED USE DEVELOPMENT shall mean a single development that incorporates complementary land use types into a single development.

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

MOBILE HOME see Dwelling, Mobile Home.

MOBILE HOME PARK shall mean a parcel of land under single ownership that has been planned and improved for the placement of manufactured or mobile housing used or to be used for dwelling purposes and where manufactured or mobile home spaces are not offered for sale or sold. The terms "manufactured home park" or "mobile home park" do not include sales lots on which new or used manufactured or mobile homes are parked for the purposes of storage, inspection, or sale. The terms "manufactured home park" or "mobile home park" shall include the term "trailer camp", as defined in the Valley Code.

MOBILE HOME SUBDIVISION shall mean a parcel of land that has been subdivided and used or intended to be used for the purpose of selling lots for occupancy by manufactured or mobile homes.

MONOTONY shall mean repetitive sameness, lacking variety and variation, and or reiteration.

MOTEL see Hotel.

MOTOR FREIGHT TERMINAL shall mean a building or area in which freight brought by motor truck is received, assembled or stored and dispatched for routing by motor truck which may include motor truck storage.

MOTOR VEHICLE shall mean every self-propelled land vehicle, not operated upon rails, except self-propelled wheel Mayors.

N

NEBRASKA REVISED REISSUED STATUTES shall mean the 1943 and the abbreviated term Nebr. R. R. S., 1943 are one and the same.

NIGHTCLUB shall mean a commercial establishment dispensing beverages for consumption on the premises and in which dancing is permitted or entertainment is provided. Also, see Bar.

NONCOMMUNITY WATER SUPPLY SYSTEM shall mean any public water supply system that is not a community water supply system.

NONCONFORMING BUILDING/DEVELOPMENT shall mean a building or portion thereof which was lawful when established but which does not conform to subsequently established zoning or zoning regulations.

NONCONFORMING LOT shall mean a lot which was lawful prior to the adoption, revision, or amendment of this zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning ordinance. No action can be taken which would increase the non-conforming characteristics of the lot.

NONCONFORMING SIGN shall mean a sign that was legally erected prior to the adoption, revision, or amendment of this zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning ordinance.

NONCONFORMING STRUCTURE shall mean a structure which was lawful prior to the adoption, revision, or amendment of this zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning ordinance. No action can be taken which would increase the nonconforming characteristics of the structure.

NONCONFORMING USE shall mean any use existing and lawful at the time of adoption of these regulations occupying a building, structure or land but is no longer allowed.

NON-FARM BUILDINGS shall mean all buildings except those buildings utilized for agricultural purposes on a farm

NUISANCE shall mean anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses such as noise, dust, odor, smoke, gas, pollution, congestion, lighting, and litter.

NURSERY shall mean the use of a premises for the propagation, cultivation, and growth of trees, shrubs, plants, vines, and the like from seed or stock, and the sale thereof, and including the sale of trees, shrubs, plants, vines, and the like purchased elsewhere and transplanted into the soil of the premises. In connection with the sale of plants, such fungicides, insecticides, chemicals, peat moss, humus, mulches, and fertilizers as are intended to be used in preserving the life and health of the plants may be sold.

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

O

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

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

OFF-STREET PARKING AREA shall mean all off street areas and spaces designed, used, required, or intended to be used for parking, including driveways or access ways in and to such areas.

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

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

OPEN SPACE, COMMON shall mean a separate and distinct area set aside as open space within or related to a development, and not on individually owned lots or dedicated for public use, but which is designed and intended for the common use or enjoyment of the residents of the development. Rights-of-way, private streets, driveways, parking lots or other surfaces designed or intended for vehicular use or required yards shall not be included as common open space.

OUTDOOR ADVERTISING see Advertising Structure and Sign.

OUTDOOR STORAGE shall mean the storage of materials, parts, or products that are related to the primary use of a site for a period exceeding three days.

OUTDOOR STORAGE CONTAINERS shall mean an "outdoor storage container" is defined as a fully enclosed, detached, and self-supporting structure, by itself incapable of motion or movement and not exceeding 8 feet in width, 12 feet in height, and 40 feet in length or a total enclosed floor area of 320 square feet. The unit must be manufactured/assembled off-site and transportable, by means other than its own, to a location where it is set into place on a graded surface of concrete, asphalt, or gravel and not upon a foundation or wheels. It shall be made of metal or a similar stable, durable, and acceptable material and shall not include a foundation, electricity, plumbing, or other mechanical systems as part of its assembly or use.

OUTLOT shall mean a lot remnant or parcel of land left over after platting, which is intended as open space or other designated use.

OVERLAY DISTRICT shall mean a district in which additional requirements are imposed upon a use, in conjunction with the underlying zoning district. The original zoning district designation does not change.

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

P

PACKAGE LIQUOR STORE shall mean an establishment in which alcoholic beverages in original containers are sold for consumption off the premises.

PAINTBALL shall mean all guns and other devices used for the purpose of firing pellets containing a latex paint at a person or target.

PAINTBALL COURSE shall mean a commercial recreational park containing obstacle courses for the purpose of staging paintball battles. Said facility generally collects a fee, either as membership or on a visit by visit basis that allows individuals to participate in paintball activities.

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

PARK shall mean any public or private land available for recreational, educational, cultural, or aesthetic use.

PARKING AREA, PRIVATE shall mean an area, other than a street, used for the parking of automotive vehicles capable of moving under their own power and restricted from general public use.

PARKING AREA, PUBLIC shall mean an area, other than a private parking area or street used for the parking of vehicles capable of moving under their own power, either free or for remuneration.

PARKING LOT shall mean an area consisting of one or more parking spaces for motor vehicles together with a driveway connecting the parking area with a street or alley and permitting ingress and egress for motor vehicles.

PARKING SPACE, AUTOMOBILE shall mean an area, other than a street or alley, reserved for the parking of an automobile, such space having a dimension not less than nine feet by 20 feet, plus such additional area as is necessary to afford adequate ingress and egress.

PARKWAY shall mean an arterial highway with full or partial control of access, and located within a park or ribbon of park like development.

PAVED shall mean permanently surfaced with poured concrete, concrete pavers, or asphalt.

PERFORMANCE GUARANTEE shall mean a financial guarantee to ensure that all improvements, facilities, or work required by this chapter will be completed in compliance with these regulations as well as with approved plans and specifications of a development.

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

PERMANENT STORAGE shall mean the long-term storage on-site within an accessory building or structure.

PERMITTED USE shall mean any land use allowed without condition within a zoning district.

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

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

PERSONAL SERVICES shall mean uses providing human services exclusively to private individuals as the ultimate consumer. Personal services shall not be limited to but including grocery shopping services, tailoring and alterations, hair salons, spas, nail salons, barber shops, private household services and temporary personal in-home care.

PET SHOP shall mean a retail establishment primarily involved in the sale of domestic animals, such as dogs, cats, fish, birds, and reptiles, excluding exotic animals and farm animals.

PLANNING COMMISSION shall mean the Planning Commission of Valley, Nebraska.

PLANT MATERIALS shall mean trees, shrubs, vines, ground covers, grass, perennials, annuals, and bulbs and other such vegetation.

PLAT shall mean a map showing the location, boundaries, and legal description of individual properties.

POLE BUILDING shall mean a structure built with no foundation or footings, using poles embedded directly in the ground as its primary support to hold metal, plastic, fiberglass or wood covering to form the building.

POLICY shall mean a statement or document of the Valley, such as the comprehensive plan, that forms the basis for enacting legislation or making decisions.

PORCH, UNENCLOSED shall mean a roofed or unroofed open structure projecting from an exterior wall of a building and having no enclosed features more than thirty inches above its floor other than wire screening and a roof with supporting structure.

POULTRY, COMMERCIAL FEEDING shall mean a poultry commercial feed lot, whether the confined feeding operations are enclosed or outdoors.

PREMISES shall mean a tract of land, consisting of one lot or irregular tract, or more than one lot or irregular tract, provided such lots or tracts are under common ownership, contiguous, and used as a single tract. A building or land within a prescribed area.

PRESCHOOL shall mean an early childhood program which provides primarily educational services, where children do not nap and where children are not served a meal.

PRESERVATION shall mean the act of protecting an area, parcel of land, or structure from being changed or modified from the present character to another that is not representative of a specific period or condition.

PRINCIPAL STRUCTURE shall mean the main building or structure on a lot, within which the main or primary use of the lot or premises is located.

PRINCIPAL USE shall mean the main use of land or structure, as distinguished from an accessory use.

PRIVATE WELL shall mean a well that provides water supply to less than 15 service connections and regularly serves less than 25 individuals.

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

PROMOTIONAL DEVICE shall mean any sign intended to be displayed either with or without a frame, with or without characters, letters, illustrations, or other material, on a fabric of any kind. National flags, flags of political subdivisions, or symbolic flags of any institutions or business shall be considered a promotional device for the purpose of this definition. Banners, pennants, inflatable characters, streamers, or fringe-type ribbons or piping shall be considered as a promotional device.

PROPORTION shall mean a balanced relationship of parts of a building, landscape, structures, or buildings to each other and to the whole.

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

PUBLIC FACILITY shall mean any building, location, or structure, owned by a public entity such as a library, fire station, school, park, and other similar facilities and uses

PUBLIC USE shall mean a specified activity or area that either through actual public ownership or through dedication of easements allows the general public access and use.

PUBLIC UTILITY shall mean any business which furnishes the general public telephone service, telegraph service, electricity, natural gas, water and sewer, or any other business so affecting the public interest as to be subject to the supervision or regulation by an agency of the state or federal government.

PUBLIC WATER SUPPLY shall mean a water supply system designed to provide public piped water fit for human consumption, if such system has at least 15 service connections or regularly serves at least 25 individuals. This definition shall include: (1) Any collection, treatment, storage, or distribution facilities under the control of the operator of such system and used primarily in connection with such system; and (2) Any collection or pretreatment storage facilities not under such control which are used primarily in the connection with such system.

Q

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

QUARRY REHABILITATION shall mean providing slopes to be covered with a layer of soil and revegetated where practical. It applies to the rehabilitation of all kinds of sand, gravel, and rock excavations to obtain fill or construction materials and from which no further removal of materials is intended, as well as to resource extraction. Rehabilitation is intended to minimize the hazardous and unsightly nature of abandoned pits, and if practical, to return the area to some productive use.

R

RAILROAD shall mean the land use including the right-of-way abutting railroad properties occupied by uses pertinent to the railroad operation and maintenance, but not including properties owned by the railroad and leased for use by others.

RECREATION, INDOOR shall mean a facility for relaxation, diversion, amusement or entertainment where such activity occurs within a building or structure.

RECREATION, OUTDOOR shall mean a facility for relaxation, diversion, amusement or entertainment in which some or all of the activities occur on the exterior but within the property of the facility.

RECREATIONAL FACILITY shall mean facilities for the use by the public for passive and active recreation including tennis, handball, racquetball, basketball, track and field, jogging, baseball, soccer, skating, swimming, or golf. This shall include country clubs and athletic clubs, but not facilities accessory to a private residence used only by the owner and guests, nor arenas or stadiums used primarily for spectators to watch athletic events. In addition, recreational facilities shall mean museums, amphitheatres, race tracks (including all motor-powered vehicles) and wildlife conservation areas (used for public viewing), and theme parks.

RECREATIONAL VEHICLE (RV) shall mean a vehicular unit primarily designed as a temporary living quarters for recreational camping or travel use having either its own power or designed to be mounted on or drawn by

a motor vehicle. Recreational vehicle includes motor home, truck camper, travel trailer, camping trailer, and fifth wheel.

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

RECYCLING CENTER shall mean a building in which used material is separated and processed prior to shipment to others who will use those materials to manufacture new products. The facility is not junkyard.

RECYCLING COLLECTION shall mean a collection point for small refuse items, such as bottles and newspapers, located either in a container or small structure.

RECYCLING PROCESSING shall mean any site which is used for the processing of any postconsumer, nondurable goods including, but not limited to glass, plastic, paper, cardboard, aluminum, tin, or other recyclable commodities.

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

REINSPECTION FEE shall mean any fee charged for an inspection other than the initial inspection when required work has not or was not completed and results in additional trips to the site by the inspector or agent of the City.

REMOTE PARKING shall mean a supply of off-street parking at a location not on the site of a given development.

RENEWABLE ENERGY shall mean energy sources including wind, solar power, biomass, and hydropower, that can be regenerated and that is much less polluting than nuclear or fossil fuels.

RENEWABLE RESOURCE shall mean a natural resource that is able to regenerate, either by itself or with human assistance, over a short to moderate time period, including food crops and trees.

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

RESTAURANT shall mean a public eating establishment operated for profit at which the primary function is the preparation and serving of food primarily to persons seated within the building.

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

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

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

RESOURCE EXTRACTION shall mean a use involving on-site extraction of surface or subsurface mineral products or natural resources, excluding the grading and removal of dirt. Typical uses are quarries, borrow pits, sand and gravel operations, mining.

RETAIL SALES shall mean establishments engaged in selling of goods or merchandise to the general public

for personal or household consumption.

RETAIL SERVICES shall mean establishments engaged in selling of goods or merchandise including household cleaning and maintenance products; drugs, cards, stationery, notions, books, tobacco products, cosmetics, and specialty items; flowers, plants, hobby materials, toys, and handcrafted items; apparel jewelry, fabrics and like items; cameras, photograph services, household electronic equipment, records, sporting equipment, kitchen utensils, home furnishing and appliances, art supplies and framing, arts and antiques, paint and wallpaper, hardware, carpeting and floor covering; interior decorating services; office supplies; mail order or catalog sales; bicycles; and automotive parts and accessories (excluding service and installation).

RETAIL SERVICES, GENERAL shall mean establishments providing retail services, occupying facilities of more than 5,000 square feet for any single establishment or more than 10,000 square feet for a multi-tenant facility. Typical establishments provide for general purpose retailing oriented to Valley and its immediate vicinity.

RETAIL SERVICES, LIMITED shall mean establishments providing retail services, occupying facilities of 5,000 square feet or less for any single establishment or 10,000 square feet or less for a multi-tenant facility. Typical establishments provide for specialty retailing or retailing oriented to Valley and a local market.

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

RETIREMENT RESIDENCE shall mean a building or group of buildings which provide residential facilities for more than four residents of at least sixty-two years of age, or households headed by a householder of at least sixty-two years of age. A retirement residence may provide a range of residential building types and may also provide support services to residents, including but not limited to food service, general health supervision, medication services, housekeeping services, personal services, recreation facilities, and transportation services. The retirement residence may accommodate food preparation in independent units or meal service in one or more common areas. Retirement residences may include additional health care supervision or nursing care.

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

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

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

RIGHT-OF-WAY shall mean a strip of land, generally linear, occupied or intended to be occupied by a system that conveys people, traffic, fluids, utilities, or energy from one point to another. Rights-of-way may include streets and roads, crosswalks, bicycle paths, recreational trails, railroads or fixed guideway transit, electric transmission lines, gas pipelines, water mains, or sewer mains.

ROAD, PRIVATE shall mean a way, other than driveways, open to vehicular ingress and egress established for the benefit of certain, adjacent properties. Also, see Right-of-way and Street.

ROAD, PUBLIC shall mean all public rights-of-way reserved or dedicated for street or road traffic. Also, see Right-of-Way and Street.

ROOM shall mean an unsubdivided portion of the interior of a dwelling unit, excluding bathroom, kitchen, closets, hallways, and service porches.

S



Aerial of a Sand and Gravel Operation

SALVAGE SERVICES shall mean places of business engaged in the storage, sale, dismantling or other processing of used or waste materials which are not intended for reuse in their original forms.

SAND OR GRAVEL PIT shall mean land used for the extraction of sand and/or gravel for public and/or commercial use.



Aerial view of a Sanitary Landfill

SANITARY LANDFILL shall mean a type of operation in which garbage and refuse, or garbage, or refuse is deposited by a plan on a specified portion of land, and is compacted by force applied by mechanical equipment, and then is covered by compacted suitable covering material to a depth of at least six to twelve inches over individual cells of garbage and/or refuse, which are closed at the end of each day, and to a depth of at least twenty-four inches over the finished land fill.

SANITARY TRANSFER STATION shall mean a collection point for temporary storage of refuse. No processing of refuse would be allowed. The transfer station must be in conformance with the requirements of all State and Federal Agencies.

SATELLITE DISH ANTENNA shall mean a round, parabolic antenna incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, or cone and used to transmit and/or receive radio or electromagnetic waves. Also, see Antenna.

SCHOOL, BUSINESS OR TRADE shall mean a use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college or university, or public or private educational facility.

SCHOOL, DAY, PRE-, OR NURSERY shall mean a school or center for children under school age, whether licensed as a day care center or not. Such shall be approved by the Nebraska State Fire Marshall as being in conformance with safety provisions pursuant to the National Fire Protection Association, Pamphlet 101, known as the Life Safety Code and shall be approved by the Nebraska Department of Health and Welfare as meeting their health and welfare standards.

SCREENING shall mean a structure or planting that conceals from public view the area behind such structure or planting.

SELECTIVE CLEARING shall be the careful and planned removal of trees, shrubs, and plants using specific standards and protection measures.

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

SELF-SERVICE STORAGE FACILITY shall mean a building or group of buildings containing individual, compartmentalized, and controlled access stalls or lockers for storage.

SEPARATE OWNERSHIP shall mean ownership of a parcel of land by a person who does not own any of the land abutting such parcel.

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

SERVICE STATION shall mean buildings and premises where the primary use is the supply and dispensing at retail of motor fuels, lubricants, batteries, tires, and motor vehicle accessories and where light maintenance activities such as engine tune-ups, lubrications, and washing may be conducted, but not including heavy maintenance and repair such as engine overhauls, painting, and body repair.

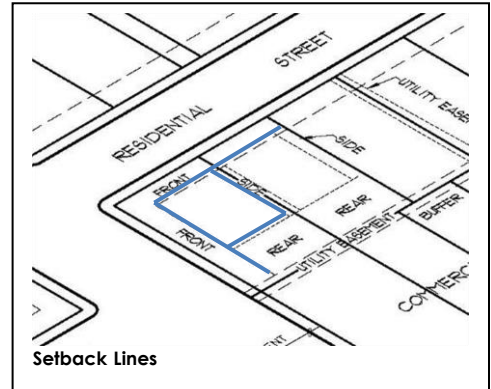
SETBACK shall mean the minimum distance, as prescribed by this regulation, measured from the edge of the eve or other similar building component located closest to the lot line.

SETBACK LINE, FRONT YARD see Yard, Front

SETBACK LINE, REAR YARD see Yard, Rear

SETBACK LINE, SIDE YARD see Yard, Side

SHOPPING CENTER shall mean a group of commercial establishments planned, constructed, and managed as a total entity with customer and employee parking provided on-site,



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

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

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

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

SIGHT TRIANGLE is an area at a street intersection in which nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and one-half feet and 10 feet above the grades of the bottom of the curb of the intersecting streets, measured from the point of intersection of the centerline of the streets along the centerline of the streets.



Shopping Center, Commercial Strip



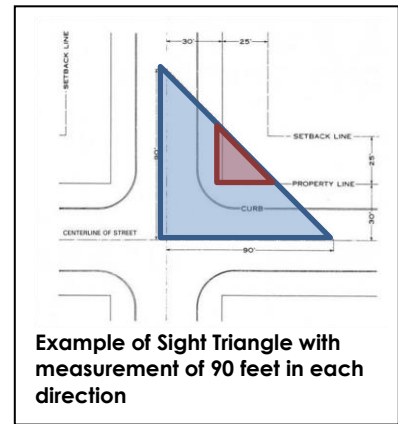
Sidewalk Cafe

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

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

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

SITE PLAN shall mean a plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, drives, parking, drainage, landscape features, and other principal site development improvements for a specific parcel of land.



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

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

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

SKATEBOARD or HALF PIPE shall mean an outdoor structure that is shaped into a half circle or oval that is designed and principally intended to permit persons on skateboards to move continuously from one side to the other.

SKATEBOARD RAMP shall mean an outdoor structure with an upward inclined surface, essentially one of the sides of a pipe, which are designed and principally intended to permit persons on skateboards to move from horizontal to vertical and back to horizontal.

SLUDGE shall mean solids removed from sewage during wastewater treatment and then disposed of by incineration, dumping, burial, or land application.

SOLID WASTE shall mean waste materials consisting of garbage, trash, refuse, rubble, sewage, offal, dead animals, or paunch manure.

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

STABLE AND/OR RIDING ACADEMIES shall mean the buildings, pens and pasture areas used for the boarding and feeding of horses, llamas, or other equine not owned by the occupants of the premises. This use includes instruction in riding, jumping, and showing or the riding of horses/equine for hire.

STANDARD SYSTEM shall mean a sewage treatment system employing a building sewer, septic tank, and a standard soil absorption system.

STATE shall mean the State of Nebraska.

STOCKPILING shall mean the accumulation of manure in mounds, piles, or other exposed and non-engineered site locations for storage or holding purposes for a period of not more than one year.

STORAGE shall mean the keeping, in a roofed or unroofed area, of any goods, junk, material, merchandise, or vehicles on the same tract or premises for more than 30 days.

STORAGE CONTAINER, PORTABLE shall mean any container that can be loaded onto the chassis of a semi-trailer for the purpose of hauling materials and commodities. Portable storage containers are intended to be used as a load on-site and haul-off for storage off-site. Another name for these containers is Portable On Demand Storage.

STORM DRAIN shall mean a conduit that carries natural storm and surface water drainage but not sewage and industrial wastes, other than unpolluted cooling water.

STORMWATER DETENTION shall mean any storm drainage technique that retards or detains runoff, such as a detention or retention basin, parking lot storage, rooftop storage, porous pavement, dry wells, or any combination thereof.

STORMWATER MANAGEMENT shall mean the collecting, conveyance, channeling, holding, retaining, detaining, infiltrating, diverting, treating, or filtering of surface water, or groundwater, and/or runoff, together with applicable managerial (non-structural) measures.

STORMWATER RETENTION AREA shall mean an area designed by a licensed professional engineer and approved by the City to retain water to control the flow of stormwater.

STORMWATER RUNOFF shall mean surplus surface water generated by rainfall that does not seep into the earth but flows over land to flowing or stagnant bodies of water.

STORY shall mean a space in a building between the surface of any floor and the surface of the floor above, or if there is not floor above, then the space between such floor and the ceiling or roof above.

STREET shall mean a public thoroughfare or right-of-way dedicated, deeded, or condemned for use as such, other than an alley, which affords the principal means of access to abutting property including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare except as excluded in this Regulation.

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

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

STREET, COURT shall mean an approved private right-of-way which provides access to residential properties and meets at least three of the following conditions:

1. Serves twelve or fewer housing units or platted lots.
2. Does not function as a local street because of its alignment, design, or location.
3. Is completely internal to a development.
4. Does not exceed 600 feet in length.

STREET, CURVILINEAR shall mean local streets that deviate from straight alignment and change direction without sharp corners or bends.

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

STREET, LOOPED shall mean a continuous local street without intersecting streets and having its two outlets connected to the same street.

STREET, MAJOR shall mean a street or highway used primarily for fast or high volume traffic, including expressways, freeways, boulevards, and arterial streets.

STREET, PRIVATE shall mean an open, unoccupied space, other than a street or alley dedicated to the public, but permanently established as the principal means of vehicular access to abutting properties. The term "private street" includes the term "place".

STREET, SIDE shall mean that street bounding a corner or reversed corner lot and which extends in the same general direction as the line determining the depth of the lot.

STREET CENTERLINE shall mean the centerline of a street right-of-way as established by official surveys.

STREET FRONTAGE shall mean the distance for which a lot line of a zone lot adjoins a public street, from one lot line intersecting said street to the furthest distant lot line intersecting the same street.

STREET, FRONTAGE ACCESS shall mean a street parallel and adjacent to a major street, major inter-regional highway, or major collection road and primarily for service to the abutting properties, and being separated from the major street by a dividing strip.

STREET HARDWARE shall mean man-made objects other than buildings that are part of the streetscape. Examples include but are not limited to lamp posts, utility poles, traffic signs, benches, litter containers, planting containers, letter boxes, and fire hydrants.

STREET LINE shall mean a dividing line between a lot, tract, or parcel of land and the contiguous street.

STREETSCAPE shall mean the scene as may be observed along a public street or way composed of natural and man-made components, including buildings, paving, plantings, street hardware, and miscellaneous structures.

STRUCTURE shall mean anything constructed or built, any edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, which requires location on the ground or is attached to something having a location on the ground, including swimming and wading pools and covered patios, excepting outdoor areas such as paved areas, walks, tennis courts, and similar recreation areas.

STRUCTURAL ALTERATION shall mean any change in the support members of a building, such as in a bearing wall, column, beam or girder, floor or ceiling joists, roof rafters, roof diaphragms, foundations, piles, or retaining walls or similar components.

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

SUPERMARKET see "Food Sales"

SURFACE WATERS shall mean all waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, wetlands, watercourses, waterways, springs, canal systems, drainage systems, and all other bodies or accumulations of water, natural or artificial, public or private, situated wholly or partly within or bordering upon the state.

SURPLUS SALES shall mean businesses engaged in the sale of used or new items, involving regular, periodic outdoor display of merchandise for sale. Typical uses include flea markets and factory outlets or discount businesses with outdoor display.

SWIMMING POOL, PRIVATE shall mean a pool which is an accessory use to a residence and for the exclusive use of the occupants of the residential building and their guests.

T

TANNING STUDIO shall mean any business that uses artificial lighting systems to produce a tan on an individual's body. These facilities may be either a stand-alone business or as an accessory use in spas, gymnasiums, athletic clubs, health clubs, and styling salons. This use is not included with any type of adult establishment.

TATTOO PARLOR/BODY PIERCING STUDIO shall mean an establishment whose principal business activity is the practice of tattooing and/or piercing the body of paying customers.

TAVERN see Bar.

TAXIDERMY SERVICES shall mean an operation conducted solely within an enclosed building to include on-site preparation, stuffing, and mounting of heads and skins of animals. Exterior storage or processing of carcasses or parts of animals shall be prohibited.

TEMPORARY USE shall mean a use intended for limited duration to be located in a zoning district not permitting such use.

TERRACE shall mean a raised earthen embankment with the top leveled. A terrace may be supported by a retaining wall.

THEATER shall mean a building or structure used for dramatic, operatic, motion pictures, or other performance, for admission to which entrance money is received and limited audience participation or meal service.

TOWER shall mean a structure situated on a site that is intended for transmitting or receiving television, radio, or telephone communications. Also, see Antenna.

TOWNHOUSE shall mean a one-family dwelling unit, with a private entrance in a group of three or more units where the unit and land are in the ownership of the same owner, which part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having a totally exposed front and rear wall to be used for access, light, and ventilation.

TRACT shall mean a lot or contiguous group of lots in single ownership or under single control, usually considered a unit for purposes of development.

TRAILER, AUTOMOBILE shall mean a vehicle without motive power, designed and constructed to travel on the public thoroughfares and to be used for human habitation or for carrying property, including a trailer coach.

TREE COVER shall mean an area directly beneath the crown and within the dripline of the tree.

TRUCK REPAIR shall mean the repair, including major mechanical and body work, straightening of body parts, painting, welding, or other work that may include noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in gasoline service stations, of trucks having a hauling capacity of over one ton and buses but excluding pickups and other vehicles designed for the transport of under eight passengers.

TRUCK WASH shall mean a mechanical facility for the washing, waxing and vacuuming of heavy trucks and buses.

U

UPPER STORY HOUSING shall be defined as one or more dwelling units located above the first floor where allowed within a commercial district.

UPZONING shall mean a change in zoning classification of land to a more intensive or less restrictive district such as from residential district to commercial district or from a single family residential district to a multiple family residential district.

USE shall mean the purpose or activity for which land or buildings are designed, arranged, or intended or for which land or buildings are occupied or maintained.

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

USE, CONDITIONAL shall mean a use permitted in a particular zoning district upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of the use as specified in the zoning ordinance and authorized by the approving agency.

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

USED MATERIALS YARD shall mean any lot or a portion of any lot used for the storage of used materials. This shall not include "Junk Yards" or "Automobile Wrecking Yards".

UTILITARIAN STRUCTURE shall mean a structure or enclosure relating to mechanical or electrical services to a building or development.

UTILITY EASEMENT see Easement

UTILITY HARDWARE shall mean devices such as poles, crossarms, transformers and vaults, gas pressure regulating assemblies, hydrants, and buffalo boxes that are used for water, gas, oil, sewer, and electrical services to a building or a project.

UTILITIES, OVERHEAD OR UNDERGROUND "LOCAL DISTRIBUTION SYSTEM OF" shall mean the local service distribution circuit or lines and related appurtenances served from a substation, town border station, reservoir, or terminal facility which is served from a main supply line, main transmission line, or main feeder line as may be applicable to electric, communications, gas, fuel, petroleum, fertilizer, or other chemical utilities. Local electric distribution systems shall include all lines and appurtenances carrying a primary voltage of less than 161 KV from an electric transformer substation to the consumer. The local telephone distribution system shall be limited to include the local exchange lines, the local toll lines, and the local communications equipment facilities structure.

UTILITIES, OVERHEAD OR UNDERGROUND "TRANSMISSION LINE, SUPPLY LINE, WHOLESALE CARRIER OR TRUNK LINE, MAIN FEEDER LINE", or other applicable designation shall mean the main supply or feeder line serving a local distribution system of utilities, and shall include but is not limited to pumping stations, substations, regulating stations, generator facilities, reservoirs, tank farms, processing facilities, terminal facilities, towers, and relay stations, and treatment plants.

UTILITY SERVICE shall mean any device, including wire, pipe, and conduit, which carries gas, water, electricity, oil and communications into a building or development.

V

VALUE shall mean the estimated cost to replace a structure in kind, based on current replacement costs.



VARIANCE shall mean a relief from or variation of the provisions of this chapter, other than use regulations, as applied to a specific piece of property, as distinct from rezoning.

VEGETATION shall mean trees, shrubs, and vines.

VEHICLE shall mean every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved solely by human power or used exclusively upon stationary rails or tracks.

VEHICLE, MOTOR see Motor Vehicle.

VEHICLE STORAGE shall mean storage of operating or non-operating vehicles for a period of no more than 21 days. Typical uses include storage of private parking tow-aways or impound yards but exclude dismantling or salvage.

VEHICLE STORAGE, LONG TERM shall mean storage of operating or non-operating vehicles for a period exceeding 21 days. Typical uses include storage of private parking tow-aways or impound yards but exclude dismantling or salvage.

VENDING MACHINE shall mean any unattended self-service device that, upon insertion of a coin, coins, tokens, debit and/or credit cards or by similar means, dispenses food, beverage, goods, rental materials, wares, merchandise, or services.

VENDING MACHINE, REVERSE shall mean an automated mechanical device that accepts at least one or more types of empty beverage containers, including but not limited to aluminum cans and glass or plastic bottles and that issues a cash refund or a redeemable credit, provided that the entire process is enclosed within the entire machine. A reverse vending machine may be designed to accept more than one container at a time, paying by weight instead of the container.

VETERINARY SERVICES shall mean services and hospitals for animals. Typical uses include pet clinics, dog and cat hospitals, pet cemeteries, and veterinary hospitals for livestock and large animals.

VISUAL OBSTRUCTION shall mean any fence, hedge, tree, shrub, wall or structure exceeding two feet in height, measured from the crown of intersecting or intercepting streets, alleys or driveways, which limit the visibility of persons in motor vehicles on said streets, alleys, or driveways. This does not include trees kept trimmed of branches below a minimum height of eight feet.

W

WAREHOUSE shall mean a building used primarily for the storage of goods and materials.

WAREHOUSE AND DISTRIBUTION shall mean a use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment.

WAREHOUSING (ENCLOSED) shall mean uses including storage, warehousing, distribution, and handling of goods and materials within enclosed structures. Typical uses include wholesale distributors, storage warehouses, and van and storage companies.

WAREHOUSING (OPEN) shall mean uses including open air storage, distribution, and handling of goods and materials. Typical uses include monument yards, materials yards, open storage.

WASTE HANDLING SYSTEM shall mean any and all systems, public or private, or combination of said structures intended to treat human or livestock excrement and shall include the following types of systems

1. **Holding pond** shall mean an impoundment made by constructing an excavated pit, dam, embankment or combination of these for temporary storage of liquid livestock wastes, generally receiving runoff from open lots and contributing drainage area.
2. **Lagoon** shall mean an impoundment made by constructing an excavated pit, dam, embankment or combination of these for treatment of liquid livestock waste by anaerobic, aerobic or

facultative digestion. Such impoundment predominantly receives waste from a confined livestock operation.

3. **Liquid manure storage pits** shall mean earthen or lined pits located wholly or partially beneath a semi or totally housed livestock operation or at some removed location used to collect waste production.
4. **Sediment** shall mean a pond constructed for the sole purpose of collecting and containing sediment.

WASTEWATER LAGOON see Lagoon.

WATERCOURSE shall mean natural or once naturally flowing water, either perennially or intermittently, including rivers, streams, creeks, and other natural waterways. Includes waterways that have been channelized, but does not include manmade channels, ditches, and underground drainage and sewage systems.

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

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

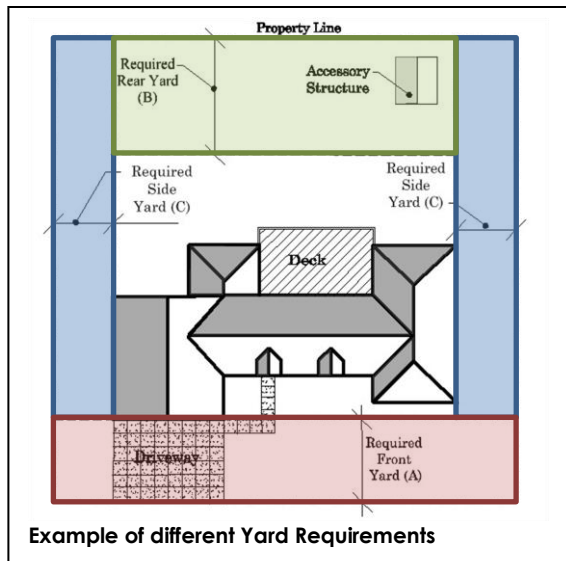
WHOLESALE ESTABLISHMENT shall mean an establishment for the on-premises sales of goods primarily to customers engaged in the business of reselling the goods.

WHOLESALE TRADE shall mean the selling merchandise to retailers; to industrial, commercial, institutional, farm or professional business users; or to other wholesalers; or buyers acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. The principal types of establishments included are: Merchant wholesalers; sales branches and sales offices (but not retail stores) maintained by manufacturing enterprises apart from their plants for the purpose of marketing their products; agents, merchandise or commodity brokers, and commission merchants; petroleum bulk storage, assemblers, buyers, and associations engaged in cooperative marketing of farm products. The chief functions of uses in wholesale trade are selling goods to trading establishments, or to industrial, commercial, institutional, farm and professional; and bringing buyer and seller together. In addition to selling, functions frequently performed by wholesale establishments include maintaining inventories of goods; extending credit; physically assembling, sorting and grading goods in large lots, breaking bulk and redistribution in smaller lots; delivery; refrigeration; and various types of promotion such as advertising and label designing.

WIRELESS COMMUNICATION TOWER shall mean a structure for the transmission or broadcast of cellular, radio, television, radar, or microwaves which exceed the maximum height permitted in the district in which it is located; provided, however, that noncommercial radio towers not exceeding 50 feet in height shall not be considered wireless communication towers.

X

Y



YARD shall mean any open space on the same lot with a building or a dwelling group, which open space is unoccupied and unobstructed from the ground upward to the sky, except for building projections or for accessory buildings or structures permitted by this Regulation.

YARD, FRONT shall mean a space between the front yard setback line and the front lot line or highway setback line, and extending the full width of the lot.

YARD, REAR shall mean a space between the rear yard setback line and the rear lot line, extending the full width of the lot.

YARD, SIDE shall mean a space extending from the front yard or from the front lot line where no front yard is required by this Regulation, to the rear yard, or rear lot line, between a side lot line and the side yard setback line.

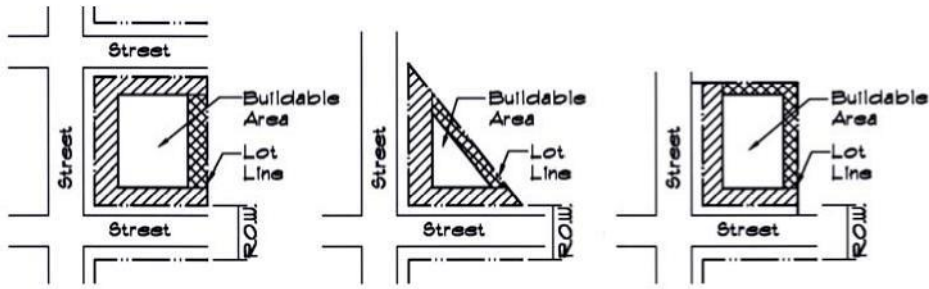
Z

ZONING ADMINISTRATOR shall mean the person or persons authorized and empowered by the City to administer and enforce the requirements of this chapter.

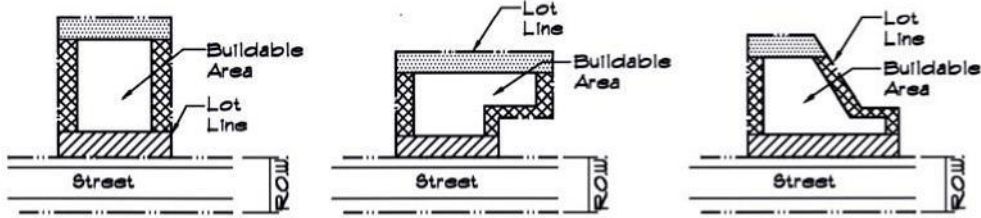
ZONING DISTRICT see District

ZONING DISTRICT, CHANGE OF shall mean the legislative act of removing one or more parcels of land from one zoning district and placing them in another zoning district on the zone map of the City.

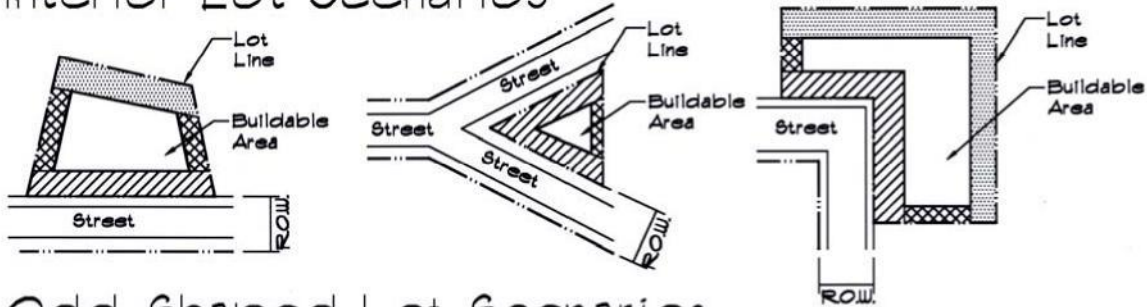
ZONING LOTS, ODD CONFIGURATIONS



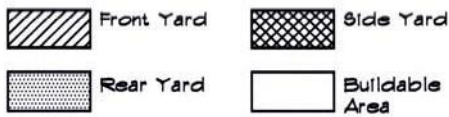
Corner Lot Scenarios



Interior Lot Scenarios



Odd-Shaped Lot Scenarios



Article 3: Districts and Official Map**Section 3.01 Districts**

In order to regulate and restrict the height, location, size and type of buildings, structures and uses allowed on land in the City and the area within one mile of the corporate boundaries, the City is hereby divided into districts.

Section 3.02 Provision for Official Zoning Map

- 3.02.01 The City is hereby divided into districts, as shown on the Official Zoning Map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance. The Official Zoning Map shall be identified by the signature of the Mayor and attested by the City Clerk, and bearing the seal of the City under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 3.02 of Ordinance No. (___) of the City of Valley, Nebraska", together with the date of the adoption of this Ordinance. If, in accordance with the provisions of this Ordinance, changes are made in the district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the City Council.
- 3.02.02 In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the City Council may by resolution adopt a new Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor and attested by the City Clerk and bearing the seal of the City under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (Ordinance No. (____)) of the City of Valley Nebraska." Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

Article 4: General Provisions

Section 4.01 Planning Commission Recommendations

Pursuant to Neb. Rev. Stat. § 19-901, it shall be the purpose of the Planning Commission to hold public hearings upon, and make recommendation to the legislative body, regarding proposed amendments to the comprehensive plan and zoning regulations within the jurisdiction of the City.

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

Section 4.02 District Regulations, Restrictions, Boundary Creation

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

Section 4.03 Jurisdiction

The provisions of this Ordinance shall apply within the corporate limits of the City of Valley, Nebraska, and within the territory beyond said corporate limits as now or hereafter fixed, for a distance of one mile, as established on the map entitled "The Official Zoning Map of the City of Valley, Nebraska", and as may be amended by subsequent annexation.

Section 4.04 Provisions of Ordinance Declared to be Minimum Requirements

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, or general welfare. Whenever the provisions of this Ordinance are in conflict with the provisions of any other ordinance or municipal law, the ordinance or municipal law with the most restrictive provisions shall govern.

Section 4.05 Zoning Affects Every Building and Use

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

Section 4.06 Lot

4.06.01 Every building hereafter erected, reconstructed, converted, moved or structurally altered shall be located on a lot or lot of record and in no case, shall there be more than one principal building on a lot unless otherwise provided.

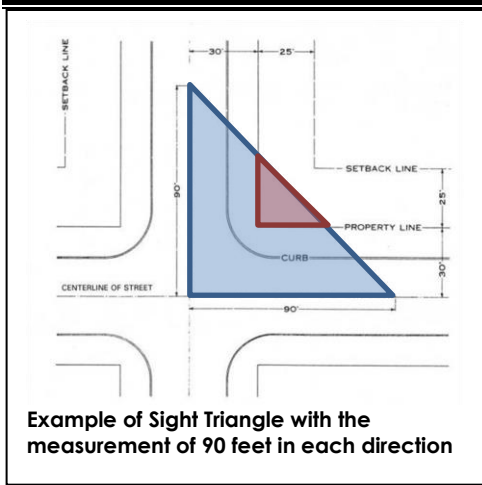
4.06.02 No building or use of land for other than agricultural purposes shall be established on a lot that does not abut a public street.

4.06.03 More than one principal building of a single permitted use may be located upon a lot or tract in the following instances if recommended by the Planning Commission and approved by the City Council.

1. Institutional buildings
2. Public or semi-public buildings
3. Multiple-family dwellings
4. Commercial or industrial buildings
5. Home for the aged
6. Agricultural buildings
7. Clustered/Mixed Use Development

Section 4.07 Reductions in Lot Area Prohibited

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



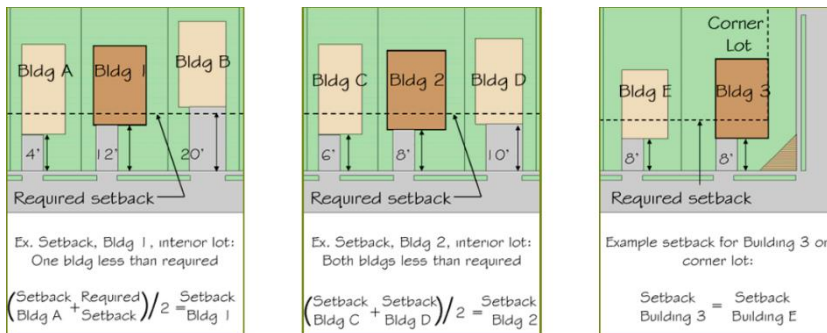
Example of Sight Triangle with the measurement of 90 feet in each direction

Section 4.08 Obstructions to Vision at Street Intersections Prohibited

On a corner lot, within the area formed by the center line of streets at a distance of 60 feet from their intersections, there shall be no obstruction to vision between a height of two and one-half feet and a height of 10 feet above the grades of the bottom of the curb of the intersecting streets, measured from the point of intersection of the centerline of the streets. At the intersection of major or arterial streets, the 60-foot distance shall be increased to 90 feet for each arterial leg of the intersection. The requirements of this section shall not be deemed to prohibit any necessary retaining wall. See "Sight Triangle," as defined in Article 2 of this Ordinance.

Section 4.09 Yard Requirements

- 4.09.01 Yard requirements shall be set forth under the Schedule of Lot, Yard, and Bulk Requirements for each zoning district. Front, side and rear yards shall be provided in accordance with the regulations hereinafter indicated and shall be unobstructed from the ground level to the sky, except as herein permitted.
- 4.09.02 No part of a yard, or other open space, or off-street parking or loading space, required in connection with any building for the purpose of complying with this regulation, shall be included as part of a yard, open space, or off-street parking or loading space required for another building and or lot.
- 4.09.03 No yard or lot existing at the time of passage of this regulation shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this regulation shall meet the minimum requirements herein.
- 4.09.04 All accessory buildings when connected to the principal building (e.g., attached garages) shall comply with the yard requirements of the principal building, unless otherwise specified.
- 4.09.05 The Building Inspector may permit a variation in front yard setbacks to allow new or relocated structures to conform to the average existing setback provided that 1.) More than 40 percent of the frontage on one side of a street between intersecting streets is occupied by structures on the effective date of this Ordinance, and 2.) A minority of such structures have observed or conformed to an average setback line, see illustration for different provisions:



- 4.09.06 Any side or rear yard in a residential district which is adjacent to any existing industrial or commercial use shall be no less than 25 feet and shall contain the owner shall install and maintain landscaping and planting suitable to provide effective screening.
- 4.09.07 Any yard for a commercial or industrial use located within any Commercial or Industrial Zoning District, which is adjacent to any residential use, or district shall be increased to 40 feet and shall contain landscaping and planting suitable to provide effective screening; except in the Downtown Commercial District.
- 4.09.08 **Corner Lots within the R-1, R-2, and R-3 Residential Districts:** On corner lots, the following criteria apply to setbacks:
 1. In existing developed areas, the Street Side Yard setback shall conform to existing setbacks of existing single-family structures, two family structures and multiple family structures along that street.
 2. In new developments, the Street Side Yard setback shall be equal to the Front Yard Setback.

- However, if the corner lot is a triple frontage lot, a determination must be made to identify the Front Yard Street and the Side Yard Street. Pending such determination, and pending a review of side yard street conditions, including conformity to other house setbacks and traffic sight distances, the Street Side Yard setback may be reduced to conform with the table within the specific district.

4.09.09 *Double Frontage Lots:* The required front yard shall be provided on each street.

4.09.10 *Building Groupings:* For the purpose of the side yard regulation a group of business or industrial buildings separated by a common party wall shall be considered as one building occupying one lot.

Section 4.10 Drainage

No building, structure, or use shall be erected on any land and no change shall be made in the existing contours of any land, including any change in the course, width, or elevation of any natural or other drainage channel, that will obstruct, interfere with, or substantially change the drainage from such land to the detriment of neighboring lands.

Anyone desiring to build or otherwise change the existing drainage situation shall be responsible for providing to the City or their designated agent that such changes will not be a detriment to the neighboring lands.

Section 4.11 Permitted Obstructions in Required Yards

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

4.11.01 *All Yards:*

- Steps and accessibility ramps used for wheelchair and other assisting devices which are four feet or less above grade which will not exceed minimum requirements of the Americans with Disabilities Act are necessary for access to a permitted building or for access to a lot from a street or alley;
- Chimneys projecting 24 inches or less into the yard;
- Approved freestanding signs;
- Arbors and trellises;
- Flag poles;
- Window air conditioners projecting not more than 18 inches into the required yard; and
- Fences or walls subject to applicable height restrictions are permitted in all yards.

4.11.02 *Rear and Side Yards:*

- Open off-street parking spaces
- Playground and other recreational equipment;
- Clothes lines;
- Outside elements of central air conditioning systems;
- Emergency egress systems for basements on an existing structure.

Section 4.12 Accessory Building and Uses

4.12.01 No accessory building or structure shall be constructed upon a lot for more than six months prior to beginning construction of the principal building. No accessory building shall be used for more than six months unless the main building on the lot is also being used or unless the main building is under construction.

4.12.02 In no event, shall such building be used as a dwelling unless a certificate of occupancy shall have been issued for such use.

4.12.03 In no event, shall a portable storage container be used as permanent storage/accessory building within any residential district.

4.12.04 No detached accessory building or structure shall exceed the maximum permitted height allowed in the individual district, unless otherwise provided.

4.12.05 No accessory building shall be constructed in the required front yard.

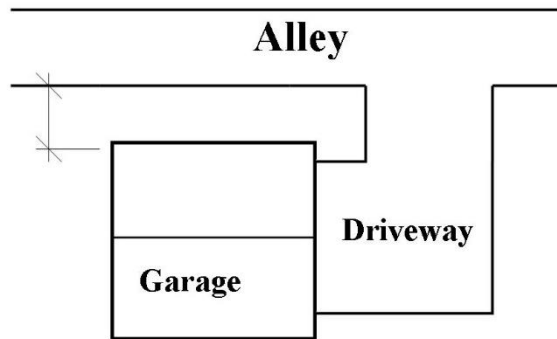
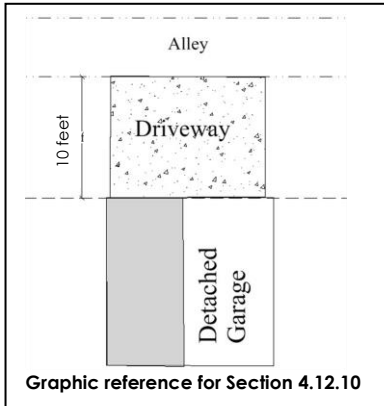
4.12.06 No accessory building shall be erected in or encroach upon the required front yard on a corner lot or the front yard of a double frontage lot.

- a. Where the lot size is ½ acre or more, the accessory building may be located in front of the front building line if the building maintains a minimum distance of 20 feet beyond the front setback.

4.12.07 Detached accessory buildings or structures shall be located no closer to any other accessory or principal building than 10 feet.

4.12.08 Accessory Buildings. No more than two accessory buildings shall be permitted for residential use whose combined total area shall not exceed the following size limitations:

Lot Size	Maximum Building Size
0 to 10,000 square feet	720 square feet
10,001 to 20,000 square feet	960 square feet
20,001 to 30,000 square feet	1,200 square feet
30,001 to 40,000 square feet	1,440 square feet
40,001 square feet to 2 acres	1,680 square feet
2.01 acres to 3 acres	2,500 square feet
Larger than 3.01 acres may need to be rezoned	



The size of the residential lot will determine the maximum size of the residential accessory building. Buildings exceeding the maximum size indicated on parcels less than 20 acres are non-residential and would require consideration for rezoning for the anticipated commercial or industrial use.

- 4.12.09 When a detached garage or other outbuilding is built within the required setback for a principal structure, the principal structure and detached building shall remain as separate structures and maintain the required separation distances found in Section 4.12.06 above.
- 4.12.10 When a detached garage has access to an alley, the rear yard setback shall be increased to 10 feet for garages directly accessing the alley from the garage and door is parallel to the alley. Otherwise it shall be a minimum of five feet.
- 4.12.11 Temporary and portable carports may be allowed in designated zoning districts provided the following criteria shall be met:
 1. The carport shall be anchored to the ground with a permanent footing.
 2. Carport shall not be allowed to have more than two sides covered with a siding material.
 3. Siding material shall match the style of the primary structure on the lot.
 4. Shall meet all minimum setbacks.
- 4.12.12 Detached private garages and outbuildings in the Residential Districts within the corporate limits of Valley for automobiles and/or storage use and other structures customary and appurtenant to the permitted uses and detached accessory garages shall be constructed of materials customarily used in residential construction and meet the following:
 1. Be constructed of materials that are in good repair,
 2. The sidewalls of said building shall not exceed 10 feet in height,
 3. Garages shall have an overhang of at least six inches,
 4. Garages shall have a maximum width of 36 feet,
 5. Garages shall be constructed and finished in materials customary to residential construction.
- 4.12.13 Regulation of accessory uses shall be as follows:
 1. Except as herein provided, no accessory building shall project beyond a required yard line along any street.

2. Service station pumps and pump island may occupy the required yards, provided, however, that they are not less than 15 feet from street lines.

Section 4.13 Permitted Modifications of Height Regulations

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

- | | |
|--|---|
| Air-Pollution Prevention Devices | Flag Poles |
| Belfries | Ornamental Towers and Spires |
| Chimneys | Public Monuments |
| Church Spires | Radio/Television Towers less than 125 feet tall |
| Conveyors | Silos and grain elevators |
| Cooling Towers | Smoke Stacks |
| Elevator Bulkheads | Stage Towers or Scenery Lots |
| Commercial Elevator Penthouses | Tanks |
| Fire Towers | Water Towers and Standpipes |
| Web cameras and meteorological equipment | |

Provided that the appropriate yard setbacks are increased by one foot for every two feet in excess of the maximum height requirement for the given zoning district.

4.13.02 When permitted in a district, condominiums (via a Conditional Use Permit), public or semi-public service buildings, hospitals, institutions, or schools may be erected to a height not exceeding 75 feet when each required yard line is increased by at least one foot for each one foot of additional building height above the height regulations for the district in which the building is located. In addition, all sides with turf or other landscaping materials shall be reinforced with reinforcement stable grass.

Section 4.14 Occupancy of Basements and Cellars

No basement or cellar shall be occupied for residential purposes until the remainder of the building has been substantially completed, and any required emergency egress requirements of the City of Valley have been installed as required per state and life-safety codes.

Section 4.15 Nonconforming, General Intent

It is the intent of this ordinance to permit lawful non-conformities to continue until they are removed, but not encourage their survival. Such uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this ordinance that non-conformities shall not be enlarged upon, expanded or extended nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district except as may be authorized in this title.

Section 4.16 Nonconforming Lots of Record

In any district, notwithstanding limitations imposed by other provision of this ordinance, a primary structure and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both that are generally applicable in the district provided that the yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Board of Adjustment.

Section 4.17 Nonconforming Structures

- 4.17.01 *Authority to continue:* Any structure which is devoted to a use which is permitted in the zoning district in which it is located, but which is located on a lot which does not comply with the applicable lot size requirements and/or the applicable bulk regulations, may be continued, so long as it remains otherwise lawful, subject to the restrictions of this section.
- 4.17.02 *Enlargement, Repair, Alterations:* Any such structure described in Section 4.17.01 may be enlarged, maintained, repaired or remodeled, provided, however, that no such enlargement, maintenance, repair or remodeling shall either create any additional nonconformity or increase the degree of existing nonconformity of all or any part of such structure, except that as to structures located on

a lot that does not comply with the applicable lot size requirements, the side yard requirements shall be in conformance with this section, and unless otherwise permitted by conditional use permit unless otherwise approved or as specified in the Residential District.

- 4.17.03 *Damage or Destruction:* In the event that any structure described in Section 4.17.01 is damaged or destroyed, by any means other than intentional destruction, to the extent of more than 60 percent of its structural value, such structure shall not be restored unless it shall thereafter conform to the regulations for the zoning district in which it is located; provided that structures located on a lot that does not comply with the applicable lot size requirements in Section 4.16, shall not have a side yard of less than five feet. When a structure is damaged to the extent of less than 60 percent of its structural value, no repairs or restoration shall be made unless a building permit is obtained, and restoration is actually begun within one year after the date of such partial destruction and is diligently pursued to completion.

Complete reconstruction of a nonconforming structure may be allowed through a Conditional Use Permit if the structure is damaged or destroyed by natural means and not through intentional destruction or actions of the property owner or tenant. Reconstructed structures shall not be allowed to increase the level of nonconformity with regard to setbacks or lot coverage.

- 4.17.04 *Moving:* No structure shall be moved in whole or in part for any distance whatever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.

Section 4.18 Nonconforming Uses

- 4.18.01 *Nonconforming Uses of Land:* Where at the effective date of adoption or amendment of this ordinance, lawful use of land exists that is made no longer permissible under the terms of this ordinance as enacted or amended, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance;
2. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this ordinance.
3. If any such nonconforming use of land ceases for any reason for a period of more than 12 consecutive months, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.

- 4.18.02 *Nonconforming Uses of Structures:* If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of this ordinance, that would not be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful subject to the following provisions:

1. No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;
2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance but no such use shall be extended to occupy any land outside such building;
3. If no structural alterations are made, any nonconforming use of a structure or structures and premises may be changed to another nonconforming use provided that the board of adjustment either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the board of adjustment may require appropriate conditions and safeguard in accord with the provisions of this ordinance;
4. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located and the nonconforming use may not thereafter be resumed;

5. When a nonconforming use of a structure or structure and premises in combination is discontinued or abandoned for 12 consecutive months, the structure or structure and premises in combination shall not thereafter be used except in conformance with the regulations of the district in which it is located;
6. Where nonconforming use status is applied to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

Section 4.19 Repairs and Maintenance

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

Section 4.20 Uses under Conditional Use Permit Not Nonconforming Uses

Any use for which a special exception has been issued as provided in previous ordinances shall not be deemed a nonconforming use, but shall without further action be deemed a conforming use in such district.

Section 4.21 Rear Yard Setbacks Reduction

The rear yard setback may be the lesser of the required setback in a district or 20% of the depth of the lot.

Section 4.22 Side Yard Setbacks Reduction

The required side yard shall be maintained on each side of a dwelling, but may be reduced to 10 percent of the lot width on lots of less than 60 feet in width, provided, however, no side yard shall be less than five feet.

Section 4.23 Temporary Uses and Permits

4.23.01 This section provides regulations authorizing temporary uses. These provisions are intended to permit occasional uses and activities of short duration, when consistent with the objectives of this chapter and when compatible with surrounding uses. They are further intended to prevent temporary uses from taking on the operating character of permanent uses.

1. Temporary use types. The following temporary uses are permitted, subject to the regulations contained within this section:
 - a. Model homes and apartments, contained within the residential development to which they pertain.
 - b. Development sales offices.
 - 1) A development sales or leasing office may only be established on a platted lot within the subdivision.
 - 2) A development sales or leasing office may remain in place until 80 percent of the lots therein in the subdivision are sold or 75 percent of the units are occupied.
 - 3) The sales or leasing office must meet all site development, parking and sign regulations of the base district.
 - c. Public assemblies, displays and exhibits including community and cultural events.
 - 1) An event shall not be allowed in a residential zoning district, unless it is located on property owned by an allowed civic organization and operated by that organization.
 - 2) Such uses shall not exceed 14 days in any 90-day period.
 - d. Commercial circuses, carnivals, fairs or similar transient amusement or recreational activities.
 - 1) Events shall be no closer than 200 feet to an existing dwelling.
 - 2) Events shall be located in a C-1 General Commercial or more intensive zoning district.
 - 3) Such uses shall not exceed ten days in any 90-day period.
 - e. Carnivals, fairs or festivals operated by a nonprofit organization.
 - 1) Events shall be located on property owned by the nonprofit organization, except as provided below.

- 2) Events may be located on property not owned by the nonprofit organization provided:
 - a) Events shall be no closer than 200 feet to an existing dwelling.
 - b) Events shall be located in a C-1 General Commercial or more intensive zoning district.
- 3) Such events shall not exceed ten days in any 90-day period.
- f. Seasonal merchandise sales such as garden centers, farmer's markets, Christmas tree lots or other holiday-related products, excluding fireworks, which are governed by Chapter 7, Article 3 of the Valley Municipal Code.
 - 1) Such uses shall not exceed 90 days in a calendar year or 90 continuous days during two calendar years.
 - 2) Lots shall not be located in a residential zoning district.
- g. Construction site offices, if located on the construction site itself.
 - 1) Such uses shall not remain for a period exceeding the date of the certificate of occupancy.
- h. Construction batch plants, subject to the provisions of Article 6.
- i. Additional temporary uses determined to be similar to the previously described temporary uses by the Building Inspector.
 - 1) Such uses shall be allowed for a period determined by the Building Inspector, but in no case shall such use be allowed for more than one calendar year.
 - 2) Required conditions of all temporary uses.
 - a) For purposes of this section, when events are allowed to occur more than once in a year, the time of separation between events on a site shall be measured from the first day of the event.
 - b) Any use or activity to be established on a temporary basis for more than a three-day period during a calendar year shall apply for and receive a temporary use permit.
 - c) A temporary use permit shall only remain in effect for the time specified on the permit.

4.23.02 Required Conditions of All Temporary Uses

1. Each site occupied by a temporary use shall be left free of debris, litter or other evidence of the use upon its completion or removal.
2. The Building Inspector may establish other conditions determined to be necessary to ensure compatibility with surrounding land uses and to minimize potential effects on nearby uses. These conditions may include but not be limited to:
 - a. Time and duration of operation;
 - b. Temporary arrangements for parking and circulation;
 - c. Requirements for visual screening of the activity; and,
 - d. Guarantees of site restoration and cleanup.
 - e. If the temporary use provides portable restrooms, at least five percent but not less than one unit, must comply with American Disabilities Act Guidelines for Buildings and Facilities Section 4.22 or 4.23. Accessible units shall be identified by the international symbol of accessibility.

4.23.03 Permit Application and Issuance

1. An application to conduct a temporary use shall be filed with the building official not less than 14 days before the event, and shall include the following:
 - a. A site plan, drawn to scale and fully dimensioned, showing existing parking and buildings, and the location of the proposed use.
 - b. A statement describing the nature of the proposed temporary use.
 - c. The hours of and duration of, the temporary use.
 - d. Other information, as determined by the Building Inspector, necessary to evaluate the proposed use.
2. Issuance of permit.
 - a. Except as set forth in subparagraph 4(c) herein below, the Building Inspector shall approve a temporary use permit only after making the following determinations:
 - 1) The use will comply with all base district site development regulations.
 - 2) Time and frequency of operation are acceptable.

- 3) The arrangement for parking and circulation allow safe access to the site.
- 4) The use will not create a nuisance or unreasonably disturb neighboring properties.
 - a) The hours of operation and duration of the temporary use permit shall be explicitly stated on the permit.
 - b) The Building Inspector may elect to have the City Council consider the approval of an application for a Temporary Use Permit, and in such event the City Council shall make its determination in accordance with this Section.

Section 4.24: Prohibited Uses

All uses which are not specifically permitted or are not permissible as a Conditional Use throughout each district of this Ordinance are prohibited until such time as the Ordinance is amended accordingly.

Section 4.25: Fees

The payment of any and all fees for any zoning or subdivision related action or permit request shall be required prior to the issuance or investigation of any said action or permit request. Such fees shall be adopted and published by the City Council by separate Resolution.

Article 5: Zoning Districts

Section 5.01 Districts; Use

For the purpose of this Chapter, the Municipality is hereby divided into 15 districts, designated as follows:

(TA)	Transitional Agricultural District
(RS)	Rural Residential District
(R-1)	Low Density Residential District
(R-2)	Medium/High Density Residential District
(R-3)	Lakefront Residential District
(R-M)	Mobile Home Residential District
(C-1)	General Commercial District
(C-2)	Downtown Commercial District
(C-3)	Highway Commercial District
(I-1)	Light Industrial District
(I-2)	Heavy Industrial District
(I-3)	General Industrial District
(CMD)	Clustered/Mixed Use Development
(HO)	Highway Corridor Protection (overlay)
(FP/FW)	Floodplain/Floodway Fringe Overlay District (overlay)

Section 5.02 Districts; Boundaries and Official Zoning Map

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

Section 5.03 Rules for Interpretation of District Boundaries on the Official Zoning Map

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

1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
3. Boundaries indicated as approximately following City limits shall be construed as following such City limits;
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
5. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line;
6. Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;
7. Boundaries indicated as parallel to or extensions of features indicated in subsections (1) to (6) above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;
8. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections (1) to (7) above, the Board of Adjustment shall interpret the district boundaries;
9. Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, The Board of Zoning Adjustment may permit the extension of the regulations for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot.
10. When a district boundary line splits a lot, tract, or parcel that is in sole ownership, the zoning district with the most restrictive requirements may be extended over the entire property without amending the zoning map through the public hearing process.
11. When a lot, tract, or parcel is bisected by the extraterritorial jurisdiction boundary line, the jurisdiction with the greatest portion of the property shall have controlling interest.

Section 5.04 Land Use Categories Table Explanation

The Matrix found in Section 5.06 of this Ordinance is a listing of uses that may be allowed within the variety of Zoning Districts.

1. The different uses are grouped into specific "Land Use Categories".
2. The "Land Use Categories" are listed in each of the Zoning Districts in lieu of specific uses. It is important to note, if a "Land Use Category" is listed within a specific Zoning District, it DOES NOT indicate every use in the "Land Use Category" is allowed within the specific District.

The different uses within Section 5.06 are Permitted (P), Allowed upon approval of a Conditional Use Permit (C), Temporary (T) or not permitted (-).

In order to determine if a specific use is allowed in a Zoning District, the following steps need to be followed:

1. Find the Use Type that matches your application
2. Look across the table and determine which of the Zoning Districts it may be allowed.
3. Determine any special criteria for the use(s) by referring to the specific District.
4. Determine where the specific Zoning Districts are by reviewing the Official Zoning Map.
5. Determine the necessary procedures to receive required permits after the land or property is the control of the applicant.
6. When doubt, please confer with Planning staff.

The Table in Section 5.06 also lists Accessory Uses which may be allowed or not allowed in any specific Zoning District. The Accessory Use listing can be found at the end of the Table.

Section 5.05 Annexation and Conformance with the Land Use Plan

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

Section 5.06 Land Use Categories/Matrix

P = Permitted
 C = Conditional Use Permit
 T = Temporary
 "-" = not permitted
 *1 = Floodplain regulations shall be met

Use Category	Use Type	TA	RS	R-1	R-2	R-3	RM	C-1	C-2	C-3	I-1	I-2	I-3	Additional Requirements
Agriculture & Horticulture Uses	Agricultural buildings for general ag. use	P	-	-	-	-	-	-	-	-	-	-	-	
	Agricultural operations	P	-	-	-	-	-	-	-	-	-	-	-	
	Class I LFO	C	-	-	-	-	-	-	-	-	-	-	-	
	Class II LFO	C	-	-	-	-	-	-	-	-	-	-	-	
	Community Gardens	P	T	T	T	T	T	-	-	-	-	-	-	
	Crop Production	P	-	-	-	-	-	-	-	-	-	-	-	
	Farms for breeding, raising, and selling wild game, fish, or livestock	C	-	-	-	-	-	-	-	-	-	-	-	
	Greenhouse	P	-	-	-	-	-	-	-	C	-	-	-	
	Livestock for 4-H purposes as a Secondary use	P	-	-	-	-	-	-	-	-	-	-	-	
	Livestock sales	C	-	-	-	-	-	-	-	-	-	-	-	
Wineries/Vineyards	P	C	-	-	-	-	-	C	-	C	-	-		
Agricultural Sales & Service	Agricultural chemicals, fertilizer, anhydrous ammonia-storage & distribution for commercial use.	C	-	-	-	-	-	-	-	C	-	-	-	
	Agricultural chemicals, fertilizer, anhydrous ammonia-storage & distribution for personal use.	P	-	-	-	-	-	-	-	-	-	-	-	
	Agricultural implement & vehicle sales and service	P	-	-	-	-	-	-	-	C	-	C	-	
	Agricultural research farm	P	-	-	-	-	-	-	-	-	-	-	-	
	Agricultural processing	P	-	-	-	-	-	-	-	-	-	-	-	
	Agriculture feed mixing and blending, seed sales and grain handling operations	P	-	-	-	-	-	-	-	C	-	C	-	
	Equestrian centers and stables	P	-	-	-	-	-	-	-	-	-	-	-	
	Horses and other non-commercial livestock on residential lots	P	-	-	-	-	-	-	-	-	-	-	-	
Residential Living	Seasonal dwelling or cabins	P	-	-	-	-	-	-	-	-	-	-	-	
	Cargo Container Dwelling	P	C	C	C	C	C	-	-	-	-	-	-	
	Condominiums (max. of 4 units)	-	-	-	P	C	-	-	-	-	-	-	-	
	Condominiums (4 units or more)	-	-	-	P	-	-	-	-	-	-	-	-	
	Grain Bin Dwelling	C	-	-	-	-	-	-	-	-	-	-	-	
	Mobile Home Dwelling	P	-	-	-	-	P	-	-	-	-	-	-	
	Mobile Home Dwelling as secondary dwelling	P	-	-	-	-	P	-	-	-	-	-	-	
	Multi-family dwelling (max. of 4 units per building)	-	-	-	P	P	-	-	-	-	-	-	-	
	Multi-family dwelling (more than 4 units per building)	-	-	-	P	-	-	-	-	-	-	-	-	
	Quonset houses	P	-	-	-	-	-	-	-	-	-	-	-	
	Shouse	C	-	-	-	-	-	-	-	-	-	-	-	
	Single-family attached dwelling (max. of 4 units)	-	-	-	P	-	-	-	-	-	-	-	-	
	Single-family attached dwelling (more than of 4 units)	-	-	-	P	-	-	-	-	-	-	-	-	
	Single-family detached dwellings	P	P	P	P	P	P	-	-	-	-	-	-	
Tiny House	C	C	-	-	-	-	C	-	-	-	-	-		
Two-family/Duplex	-	-	-	P	-	-	-	-	-	-	-	-		

ARTICLE 5: ZONING DISTRICTS

P = Permitted
 C = Conditional Use Permit
 T = Temporary
 "-" = not permitted
 *1 = Floodplain regulations shall be met

Use Category	Use Type	TA	RS	R-1	R-2	R-3	RM	C-1	C-2	C-3	I-1	I-2	I-3	Additional Requirements
		Upper story housing	-	-	-	-	-	-	-	C	P	C	-	
Residential/ Commercial Institutions	Adult care homes	-	P	P	P	-	-	P	P	P	-	-	-	
	Assisted Living Facilities	-	P	P	P	-	-	P	P	P	-	-	-	
	Bed and Breakfast	P	P	C	-	-	-	-	-	-	-	-	-	See Section 9.15
	Convents	P	P	C	-	-	-	-	-	-	-	-	-	
	Emergency Residential Services/Shelters	P	P	P	-	-	-	-	P	P	-	-	-	
	Group Care Home	P	P	P	-	-	-	-	-	P	-	-	-	
	Group Home	P	P	P	-	-	-	-	-	P	-	-	-	
	Hospice	-	P	P	P	-	-	-	-	P	-	-	-	
	Life Care Facility	-	P	P	-	-	-	-	-	-	P	-	-	
	Monasteries	P	P	C	-	-	-	-	-	-	-	-	-	
	Nursing Homes	-	P	P	P	-	-	-	P	P	P	-	-	
	Retirement Homes	-	P	P	P	-	-	-	P	P	P	-	-	
Transitional housing	P	P	P	-	-	-	-	-	-	P	-	-		
Community Services/ Civic Uses	Animal shelters	P	-	-	-	-	-	C	-	C	-	-	-	
	Cemetery	P	C	C	-	-	-	-	-	-	-	-	-	
	Churches, synagogues, temples & similar	P	P	P	P	-	-	P	C	P	-	-	-	
	Church, Storefront-	-	-	-	-	-	-	C	C	C	-	-	-	
	Community centers & buildings	C	C	C	-	-	-	P	P	P	-	-	-	
	Fire and Rescue facilities	P	P	P	P	P	P	P	P	P	P	P	P	
	Fraternal Organization	C	C	C	-	-	-	P	P	P	-	-	-	
	Governmental offices and uses	-	-	-	-	-	-	P	P	P	P	P	-	
	Law enforcement centers	P	P	P	P	P	P	P	P	P	P	P	P	
	Public Libraries and museums	P	P	P	P	P	P	P	P	P	-	-	-	
	Philanthropic Organizations	C	C	C	-	-	-	P	P	P	-	-	-	
	Museums	P	P	P	P	P	P	P	P	P	P	P	P	
	Planetariums	P	P	P	P	P	P	P	P	P	-	-	-	
	Senior citizen centers	C	C	C	-	-	-	P	P	P	-	-	-	
Treatment, Rehabilitation, Incarceration Facilities	Community correction centers	C	-	-	-	-	-	-	-	-	-	-	-	
	Drug & alcohol rehabilitation centers	C	C	-	-	-	-	C	C	C	-	-	-	
	Halfway houses	C	C	C	-	-	-	-	-	-	-	-	-	
	Public Detention Center	C	-	-	-	-	-	-	-	-	-	-	-	
	Juvenile Detention Center	C	-	-	-	-	-	-	-	-	-	-	-	
	Private Prisons	C	-	-	-	-	-	-	-	-	-	-	-	
	Public Prisons	C	-	-	-	-	-	-	-	-	-	-	-	

P = Permitted
 C = Conditional Use Permit
 T = Temporary
 "-" = not permitted
 *1 = Floodplain regulations shall be met

Use Category	Use Type	TA	RS	R-1	R-2	R-3	RM	C-1	C-2	C-3	I-1	I-2	I-3	Additional Requirements
Day-Care, Public & Private Schools	Adult day-care home	P	P	P	P	P	-	P	-	P	-	-	-	
	Child Care Center	-	-	-	-	-	-	P	P	P	U	U	-	
	Child Care Home	P	P	P	P	P	P	-	-	-	-	-	-	
	Colleges and Universities	U	U	U	U	U	-	U	U	U	-	-	-	
	Day care centers	-	-	-	-	-	-	P	P	P	U	U	-	
	Preschools	U	U	U	U	U	-	U	U	U	-	-	-	
	Public & private schools (K-12)	U	U	U	U	U	-	U	U	U	-	-	-	
	Trade, career & technical schools	U	U	U	U	U	-	U	U	U	U	U	-	
Public Parks & Open Space	Arboretums	P	P	P	P	P	P	-	-	-	-	-	-	
	Athletic fields	C	C	C	C	C	C	-	-	P	-	-	-	
	Campground	U	-	-	-	-	-	-	-	U	-	-	-	
	Nature centers	C	-	-	-	-	-	-	-	-	-	-	-	
	Parks, trails, picnic areas, & playgrounds	P	P	P	P	P	P	P	P	P	-	-	-	
	Public pools and/or water parks	P	P	P	P	P	P	P	P	P	-	-	-	
Public/Private Utilities & Communication Services	Natural gas exploration and pumping	C	-	-	-	-	-	-	-	-	-	C	-	
	Natural gas depots	C	-	-	-	-	-	-	-	-	-	C	-	
	Private Wells	P	P	C	-	-	-	-	-	-	C	C	-	
	Wind Energy Conversion Sys. - Commercial/Utility Grade	C	-	-	-	-	-	-	-	-	-	C	-	See Section 9.07
	Public works facilities incl. storage/maintenance areas	P	C	C	-	-	-	P	P	P	P	P	-	
	Wireless telecommunication facilities sys. - new tower	C	C	-	-	-	-	C	C	C	C	C	C	See Section 9.03
	Wireless telecommunication facilities sys. - collocated	C	C	-	-	-	-	C	C	C	C	C	C	See Section 9.03
	Radio and tower transmitter (Shortwave and Ham operations)	P	C	C	C	-	C	C	C	C	C	C	C	See Section 9.19
Animal Care	Animal Shelter	P	-	-	-	-	-	C	-	C	P	P	P	
	Kennel boarding or training	P	-	-	-	-	-	C	-	C	P	P	-	
	Kennel, commercial	P	-	-	-	-	-	C	-	C	P	P	C	
	Kennel, private	P	C	C	C	C	C	-	-	-	-	-	-	
	Pet cemetery	C	-	-	-	-	-	-	-	-	-	-	-	
	Pet crematorium	C	-	-	-	-	-	-	-	-	-	C	-	
	Pet grooming, Pet training	P	-	-	-	-	-	P	P	P	-	-	-	
	Animal hospital	P	-	-	-	-	-	P	P	P	P	P	-	
Business and Household Services	Building maintenance & cleaning services	P	-	-	-	-	-	P	P	P	P	P	P	
	Copying, printing, mailing, & packaging services	P	-	-	-	-	-	P	P	P	P	P	P	
	Lawn, garden & yard maintenance services	P	-	-	-	-	-	P	P	P	P	P	P	
	Locksmiths and key duplication	P	-	-	-	-	-	P	P	P	P	P	P	
	Pest control services	P	-	-	-	-	-	C	C	C	C	P	C	
	Small appliances & household equipment repair	P	-	-	-	-	-	P	P	P	P	P	-	
	Well drilling/septic tank cleaning	P	-	-	-	-	-	C	-	P	P	P	-	
Financial	Banks	-	-	-	-	-	-	P	P	P	-	-	-	

ARTICLE 5: ZONING DISTRICTS

P = Permitted
 C = Conditional Use Permit
 T = Temporary
 "-" = not permitted
 *1 = Floodplain regulations shall be met

Use Category	Use Type	TA	RS	R-1	R-2	R-3	RM	C-1	C-2	C-3	I-1	I-2	I-3	Additional Requirements	
	Automatic Teller Machine (ATM)	-	-	-	-	-	-	P	P	P	-	-	-		
	Brokerages	-	-	-	-	-	-	P	P	P	-	-	-		
	Credit Unions	-	-	-	-	-	-	P	P	P	-	-	-		
	Insurance offices	-	-	-	-	-	-	P	P	P	-	-	-		
	Financial advisory services	-	-	-	-	-	-	P	P	P	-	-	-		
	Specialty loan services	-	-	-	-	-	-	P	P	P	-	-	-		
Food And Beverage Services	Banquet/reception facility	C	-	-	-	-	-	C	C	C	-	-	-		
	Brew-on Premises Store	C	-	-	-	-	-	P	P	P	-	-	-		
	Brewery	C	-	-	-	-	-	C	C	C	C	C	-		
	Craft Brewery (Commercial)	C	-	-	-	-	-	C	C	C	C	C	-		
	Catering service	C	-	-	-	-	-	P	P	P	C	C	-		
	Donut and pastry shops	-	-	-	-	-	-	P	P	P	-	-	-		
	Mobile Food Units	T	-	-	-	-	-	T	T	T	T	T	-	See Section 9.18	
	Restaurants	C	-	-	-	-	-	P	P	P	-	-	-		
	Roadside produce stands	T	T	-	-	-	-	T	T	T	T	T	T	-	
	Sidewalk Café	-	-	-	-	-	-	P	P	P	-	-	-		
	Tavern or bar	-	-	-	-	-	-	P	P	P	-	-	-		
	Coffee houses, coffee shops	-	-	-	-	-	-	P	P	P	-	-	-		
	Brew pub	-	-	-	-	-	-	P	P	P	-	-	-		
	Micro-brewery (Commercial)	-	-	-	-	-	-	P	P	P	P	P	-		
Coffee kiosks	-	-	-	-	-	-	P	P	P	-	-	-			
General Commercial	Antiques and collectables shop	P	-	-	-	-	-	P	P	P	-	-	-		
	Art galleries	P	-	-	-	-	-	P	P	P	-	-	-		
	Artisan production shop	P	-	-	-	-	-	P	P	P	-	-	-		
	Artist Studio	P	-	-	-	-	-	P	P	P	-	-	-		
	Bridal sales & services	P	-	-	-	-	-	P	P	P	-	-	-		
	Clothing & accessories	P	-	-	-	-	-	P	P	P	-	-	-		
	Computer hardware/software sales	P	-	-	-	-	-	P	P	P	-	-	-		
	Dance studios & schools	P	-	-	-	-	-	P	P	P	-	-	-		
	Electronic/appliance sales & service	P	-	-	-	-	-	P	-	P	-	-	-		
	Equipment sales/storage/rental	P	-	-	-	-	-	P	-	P	-	-	-		
	Equipment repair services	P	-	-	-	-	-	P	P	P	-	-	-		
	Fabric and sewing supply stores	P	-	-	-	-	-	P	P	P	-	-	-		
	Farmer's Market	P	-	-	-	-	-	P	P	P	-	-	-		
	Firearms and ammunition sales	C	-	-	-	-	-	C	C	C	C	C	-		
	Florists	-	-	-	-	-	-	P	P	P	-	-	-		
	Food store (specialty) including bakeries, meat lockers, butchers, delicatessen, not a full-service grocery	-	-	-	-	-	-	P	P	P	-	-	-		
	Funeral homes and mortuaries, including crematoriums	P	-	-	-	-	-	P	C	P	P	P	P		
	Garden center	P	-	-	-	-	-	P	P	P	-	-	-		
	Gift store	-	-	-	-	-	-	P	P	P	-	-	-		
	Grocery	-	-	-	-	-	-	P	P	P	-	-	-		
	Hardware store	-	-	-	-	-	-	P	P	P	-	-	-		
Heating and cooling sales and services	-P	-	-	-	-	-	P	P	P	-	-	-			

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Use Category	Use Type	TA	RS	R-1	R-2	R-3	RM	C-1	C-2	C-3	I-1	I-2	I-3	Additional Requirements	
General Commercial	Lawn and garden equipment sales and service	-	-	-	-	-	-	P	P	P	-	P	P		
	Photographic equipment & supplies	-	-	-	-	-	-	P	P	P	-	-	-		
	Pottery store	-	-	-	-	-	-	P	P	P	-	-	-		
	Religious book, card and articles stores	-	-	-	-	-	-	P	P	P	-	-	-		
	Secondhand store, thrift or consignment store	-	-	-	-	-	-	P	P	P	-	-	-		
	Self-services laundry and Laundromat	-	-	-	-	-	-	P	C	P	-	-	-		
	Tanning Studio	-	-	-	-	-	-	P	P	P	-	-	-		
	Taxidermy Services	P	-	-	-	-	-	P	C	P	-	-	-		
Special Commercial	Billiard halls	-	-	-	-	-	-	P	P	P	-	-	-		
	Commercial greenhouses	P	-	-	-	-	-	P	-	P	P	P	-		
	Business Center	-	-	-	-	-	-	P	P	P	-	-	-		
	Concrete and cinder block sales	P	-	-	-	-	-	P	-	P	P	P	P		
	Convenience store	-	-	-	-	-	-	P	P	P	-	-	-		
	Fireworks stands	P	-	-	-	-	-	P	-	P	P	P	-		
	Gasoline filling stations, including Self-Service	-	-	-	-	-	-	C	-	C	-	-	-		
	Liquor stores/sales	-	-	-	-	-	-	P	P	P	-	-	-		
	Monument sales	-	-	-	-	-	-	P	P	P	-	-	-		
	Motels and hotels	P	-	-	-	-	-	P	P	P	-	-	-		
	Nurseries, retail sales	P	-	-	-	-	-	P	C	P	-	-	-		
	Piercing Studio	-	-	-	-	-	-	P	P	P	-	-	-		
Tattoo Parlor	-	-	-	-	-	-	P	P	P	-	-	-			
Medical Uses	Acupuncture offices	-	-	-	-	-	-	P	P	P	-	-	-		
	Chiropractor offices	-	-	-	-	-	-	P	P	P	-	-	-		
	Dental offices incl. orthodontics	-	-	-	-	-	-	P	P	P	-	-	-		
	Massage therapy	-	-	-	-	-	-	P	P	P	-	-	-		
	Medical offices	-	-	-	-	-	-	P	P	P	-	-	-		
	Optical sales & services	-	-	-	-	-	-	P	P	P	-	-	-		
	Laser Treatment	-	-	-	-	-	-	P	P	P	-	-	-		
	Rehabilitation facilities including out-patient services	-	-	-	-	-	-	P	P	P	-	-	-		
Office Uses	Accountant and investment counseling	-	-	-	-	-	-	P	P	P	-	-	-		
	Business offices	-	-	-	-	-	-	P	P	P	-	-	-		
	Consultant offices	-	-	-	-	-	-	P	P	P	-	-	-		
	Lawyer/Attorney offices	-	-	-	-	-	-	P	P	P	-	-	-		
	Photographic studios	-	-	-	-	-	-	P	P	P	-	-	-		
	Real Estate offices	-	-	-	-	-	-	P	P	P	-	-	-		
	Utility and telephone company offices	P	-	-	-	-	-	P	P	P	-	-	P		
RESIDENTIAL	Bowling alley	-	-	-	-	-	-	P	P	P	-	-	-		

ARTICLE 5: ZONING DISTRICTS

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Use Category	Use Type	TA	RS	R-1	R-2	R-3	RM	C-1	C-2	C-3	I-1	I-2	I-3	Additional Requirements
	Commercial stables	P	C	-	-	-	-	-	-	-	-	-	-	
	Golf courses, public & private	P	C	P	P	P	-	-	-	P	-	-	-	*1
	Golf driving ranges	P	P	P	P	P	-	-	-	P	-	-	-	*1
	Gun clubs	C	-	-	-	-	-	-	-	-	-	-	-	
	Miniature golf courses	-	-	-	-	-	-	P	-	P	-	-	-	
	Paintball Course	C	C	-	-	-	-	-	-	-	-	-	-	
	Recreational facility, indoor	P	-	-	-	-	-	P	C	P	-	-	-	
	Recreational facility, outdoor	P	-	-	-	-	-	C	C	C	C	C	C	
	Recreational vehicle (RV) Park	C	-	-	-	-	-	-	-	C	-	-	-	
	Riding Academies	P	C	-	-	-	-	-	-	-	-	-	-	
	Amusement arcade	-	-	-	-	-	-	P	P	P	-	-	-	
Auto Services/ Commercial	Auto body repair	C	-	-	-	-	-	P	C	P	-	-	-	See Section 9.12
	Automotive/machinery repair shop	C	-	-	-	-	-	P	C	P	-	-	-	See Section 9.12
	Automobile/truck sales, rental & leasing	P	-	-	-	-	-	P	C	P	-	-	-	See Section 9.12
	Automobile/truck washes, self-services or automatic	-	-	-	-	-	-	-	-	P	-	-	-	See Section 9.12
	Motor home dealers	-	-	-	-	-	-	P	-	P	-	-	-	See Section 9.13
	Motorcycle dealers, incl. moped and scooters	-	-	-	-	-	-	P	-	P	-	-	-	See Section 9.13
	Muffler sales & services	-	-	-	-	-	-	P	-	P	-	-	-	See Section 9.12
	Recreational vehicle sales & rentals	-	-	-	-	-	-	P	-	P	-	-	-	See Section 9.13
	Transmission repair shops	-	-	-	-	-	-	P	-	P	-	-	-	See Section 9.12
	Travel trailer dealers	-	-	-	-	-	-	P	-	P	-	-	-	See Section 9.13
	Vehicle Storage incl. trailers, RV, & boat storage	C	-	-	-	-	-	-	-	C	-	-	-	
Adult Uses	Adult Entertainment	-	-	-	-	-	-	-	-	-	C	C	-	See Section 9.21
Warehousing & Storage	Fireworks storage	C	-	-	-	-	-	-	-	-	-	C	-	
	Mini-warehouses & self-service storage	C	-	-	-	-	-	-	-	C	-	-	-	See Section 9.11
	Motor Freight Terminals	-	-	-	-	-	-	-	-	C	-	-	C	
	Outdoor Storage	C	-	-	-	-	-	-	-	C	P	P	-	
	Outdoor Storage Containers	P	-	-	-	-	-	-	-	-	-	P	-	*1
	Portable On-demand storage facilities	T	T	T	T	T	T	T	T	T	T	T	T	*1
	Warehouse and distribution	C	-	-	-	-	-	-	-	C	C	C	P	
	Warehousing (enclosed)	C	-	-	-	-	-	-	-	C	C	C	P	
	Warehousing (Open)	C	-	-	-	-	-	-	-	-	P	P	C	*1
	Wholesale business and storage	C	-	-	-	-	-	-	-	-	-	P	P	
C C P F	Bulk materials or machinery storage (fully enclosed)	C	-	-	-	-	-	-	-	-	P	P	P	

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Use Category	Use Type	TA	RS	R-1	R-2	R-3	RM	C-1	C-2	C-3	I-1	I-2	I-3	Additional Requirements
	Carpenters	P	-	-	-	-	-	P	C	P	-	-	-	
	Carpet & rug cleaning plants	C	-	-	-	-	-	-	-	-	-	P	-	
	Construction batch plants	C	-	-	-	-	-	-	-	C	C	P	-	
	Construction yards incl. offices & equipment storage yards excl. heavy machinery	P	-	-	-	-	-	P	C	P	C	P	-	
	Electricians	P	-	-	-	-	-	P	P	P	-	-	-	
	Heating & ventilating contractors	P	-	-	-	-	-	P	P	P	-	-	-	
	Masons & bricklayers	P	-	-	-	-	-	P	P	P	-	-	-	
	Plumbers	P	-	-	-	-	-	P	P	P	-	-	-	
	Trade shops (incl. cabinet makers)	P	-	-	-	-	-	P	P	P	-	-	-	
	Concrete block manufacturing	-	-	-	-	-	-	-	-	-	-	P	-	
	Concrete products	C	-	-	-	-	-	-	-	-	-	P	-	
	Heavy construction companies	C	-	-	-	-	-	-	-	-	-	P	-	
	Manufactured housing fabrication	C	-	-	-	-	-	-	-	C	P	P	-	
	Prefabricated buildings & components manufacturing	C	-	-	-	-	-	-	-	C	P	P	-	
	Food Processing	Bakery Products Manufacturing	-	-	-	-	-	-	-	-	-	-	P	-
Beverage Blending and Bottling (Except Breweries)		-	-	-	-	-	-	-	-	-	-	P	-	
Coffee, Tea and Spice Processing and Packaging		-	-	-	-	-	-	-	-	-	-	P	-	
Creamery and Dairy Operations		C	-	-	-	-	-	-	-	-	-	P	-	
Dairy Products Manufacturing		C	-	-	-	-	-	-	-	-	-	P	-	
Egg Processing Plants		C	-	-	-	-	-	-	-	-	-	-	-	
Mining & Excavation	Brick, firebrick and clay products manufacturing	C	-	-	-	-	-	-	-	-	-	P	-	See Section 9.17
	Monument & architectural stone manufacturing	C	-	-	-	-	-	-	-	-	-	P	-	
	Quarry/Sand and Gravel Extraction	C	-	-	-	-	-	-	-	-	-	-	-	See Section 9.17
Metal Processing, Stamping	Culvert manufacturing	-	-	-	-	-	-	-	-	-	-	P	-	
	Welding	-	-	-	-	-	-	-	-	-	P	P	P	
	Wire Rope and Cable Manufacturing	-	-	-	-	-	-	-	-	-	-	P	-	
Waste Handling	Landfill, Construction Material	-	-	-	-	-	-	-	-	-	-	-	-	
	Landfill, Solid Waste	-	-	-	-	-	-	-	-	-	-	-	-	
	Recycling Center	C	-	-	-	-	-	-	-	C	C	C	-	
	Recycling Processing	C	-	-	-	-	-	-	-	-	-	C	-	
	Sanitary Transfer Station	C	-	-	-	-	-	-	-	-	-	C	-	
W o o d	Basket & hamper (wood, reed, rattan, etc.) manufacturing	-	-	-	-	-	-	-	-	-	-	P	-	
	Millwork manufacturing	-	-	-	-	-	-	-	-	-	-	P	-	

ARTICLE 5: ZONING DISTRICTS

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Use Category	Use Type	TA	RS	R-1	R-2	R-3	RM	C-1	C-2	C-3	I-1	I-2	I-3	Additional Requirements
		Electronics manufacturing												
Machinery manufacturing												P		
Musical instruments manufacturing												P		
Tool, die, gauge and machine shops												P		
Wind turbine manufacturing												C		
General Manufacturing (High Hazard)	Bio-Fuels Manufacturing, including Ethanol production	C												See Sections 9.09 and 9.15
	Grain Elevator and Storage Facilities	C								C				
	Salvage Operations													
	Scrap or Salvage Yards	C												See Sections 9.08 and 9.15
	Waste Recovery Facilities – Commercial, Industrial & Residential													See Sections 9.08 and 9.15
	Wood Preserving Treatment	C										C		
	Barns	P												
	Bins, silos, grain storage	P												
	Fuel storage	C									C			
	Fuel tanks and dispensing equipment	C					C				C			
	Portable on-demand storage containers	T	T	T	T	T	T	T	T	T	T	T	T	
	Swimming pools	P	P	P	P	P	P	P	-	-	P	-	-	*1
	Tennis courts	P	P	P	P	P	P	P	-	-	-	-	-	
	Solar energy systems for use on individual properties or buildings	C	C	C	C	C	C	C	C	C	C	C	C	See Section 9.10
	Wind Energy Conversion System	C	C	C	C	C	C	C	C	C	C	C	C	See Section 9.06

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Section 5.07 TA: Transitional Agricultural District

5.07.01 Intent:

The Transitional Agriculture District is established for the purpose of preserving agricultural resources that are compatible with adjacent urban growth. It is not intended for commercial feedlot operations for livestock or poultry. Because the areas are not in the identified growth areas for the community, the district is designed to limit urban sprawl.

5.07.02 Permitted Uses:

Permitted Uses are allowed outright provided the uses and/or structure meet the minimum bulk requirements of the District.

5.07.03 Conditional Uses:

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

5.07.04 Temporary Uses:

Temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 4.23.

5.07.05 Accessory Uses and Structures:

Refer to the definitions of Accessory Uses and Structures, as well as Table 5.06 and Article 4 for more detail.

5.07.06 Height and Lot Requirements:

The height and minimum lot requirements shall be as follows:

Use	Lot Area (acres)	Lot Width (feet)	A Front Yard (feet)*	B Rear Yard (feet)	C Side Yard (feet)	Max. Height (feet)	Max. Building Coverage (%)**	Max. Impervious Coverage (%)
Single-family dwelling	3	150	40	40	30	35	40	40
Other Permitted Uses	3	150	40	40	30	35	40	40
Conditional Uses	3	150	40	40	30	35	40	40
Accessory Structures	-	-	40	40	30	15	5***	5

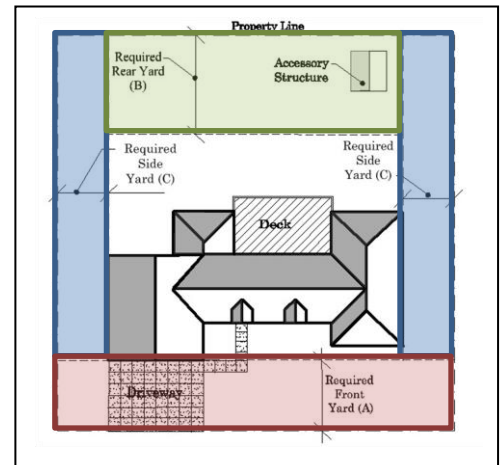
* Front yard setback shall be 73 feet from the centerline of a County Road with a R.O.W. of 66 feet, shall 40 feet when abutting any other platted street, road or highway.

** Percentage applies to the buildable area of the lot.

*** Accessory buildings shall not exceed the smallest of 6,534 square feet or five percent of the size of the lot. The total coverage for all structures shall not exceed 40 percent.

5.07.07 Other Applicable Provisions:

1. The following uses shall be a minimum of 2,640 feet from any residential, commercial, industrial, or public use, as measured from the nearest point on the lot line.
 - a. Commercial auction yards or barns.
 - b. Commercial production and husbandry of poultry, fish, and small animals.
 - c. Commercial feedlots.
 - d. Feed mills.
 - e. Auto wrecking yards, junk yards, salvage yards, and scrap processing yards.
 - f. Storage and distribution of anhydrous ammonia, fuel, fertilizer, and other chemicals.



Section 5.08 RS Residential Subdivision District

5.08.01 Intent:

The Residential Subdivision District is established for the purpose of identifying appropriate land for subdivision-density residential development while preserving agricultural resources. It is not intended for intensive agricultural uses. These areas are in the identified growth areas for the community, and the district is designed to manage future development.

5.08.02 Permitted Uses:

Permitted Uses are allowed outright provided the uses and/or structure meet the minimum bulk requirements of the District.

5.08.03 Conditional Uses:

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

5.08.04 Temporary Uses:

Temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 4.23.

5.08.05 Accessory Uses and Structures:

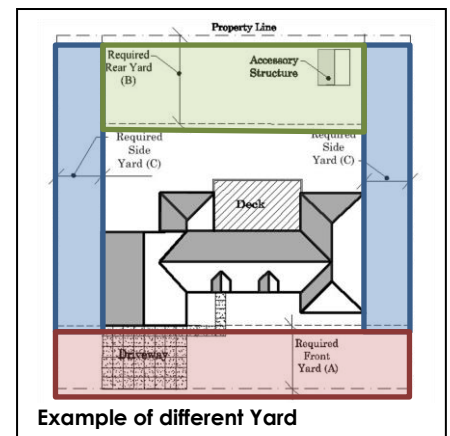
Refer to the definitions of Accessory Uses and Structures, as well as Table 5.06 and Sections within Article 4 for more detail.

5.08.06 Height and Lot Requirements:

The height and minimum lot requirements shall be as follows:

Use	Lot Area	Lot Width (feet)	A Front Yard (feet)	B Rear Yard (feet)	C Side Yard (feet)	Max. Height (feet)	Max. Building Coverage (%)	Max. Impervious Coverage (%)
Single-family dwelling, detached (private well, private septic)	3 Acres	150	35	30 (4)	15	35	25	40
Single-family dwelling, detached (public well, private septic)	1 acre	150	35	30 (4)	15	35	25	40
Single-family dwelling, detached (public well, public septic)	20,000 sf*	80	35	30 (4)	15	35	25	40
Other Permitted Uses	20,000 sf*	80	35	30 (4)	15	45	25	40
Conditional Uses	20,000 sf*	100	75	30 (4)	15	45	25	40
Accessory Structures	-	-	35 (1) (3)	10 (3)	10 (3)	15	5 (2)	5

1. Provided the Accessory Use shall not be located closer to the front lot line than the closest point on the front wall of the dwelling.
 2. See Section 4.12.08
 3. In the case of an accessory building that exceeds 1,200 square feet in total area, the required front, side, and rear yard setbacks shall be doubled to 70 feet, 20 feet, and 20 feet, respectively.
 4. See Section 4.09.06 of this Ordinance.
 5. On Corner Lots the following criteria apply to setbacks. In existing developed areas, the Street Side Yard setback may conform to existing setbacks of existing structures along that street. In new developments, the Street Side Yard setback shall be equal to the Front Yard setback.
- *** The minimum lot size for these uses may be as low indicated in the table above provided the lots are supplied with public water and sanitary sewer.



Section 5.09 R-1 Low Density Residential

5.09.01 Intent:

The Low Density Residential District is intended to permit low-density residential developments to accommodate residential and other compatible uses.

5.09.02 Permitted Uses:

Permitted Uses are allowed outright provided the uses and/or structure meet the minimum bulk requirements of the District.

5.09.03 Conditional Uses:

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

5.09.04 Temporary Uses:

Temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 4.23.

5.09.05 Accessory Uses and Structures:

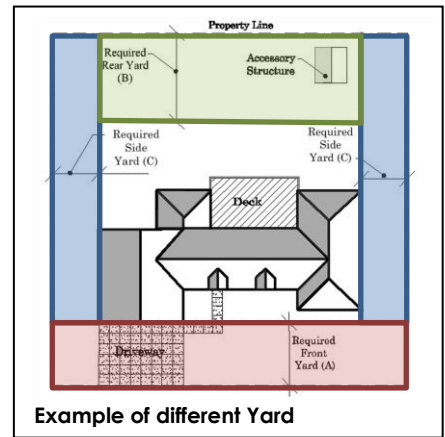
Refer to the definitions of Accessory Uses and Structures, as well as Table 5.06 and Sections within Article 4 for more detail.

5.09.06 Height and Lot Requirements:

The height and minimum lot requirements shall be as follows:

Use	Lot Area (Sq. Ft.)	Lot Width (feet)	A Front Yard (feet)	B Rear Yard (feet)	C Side Yard (feet) (3)	Max. Height (feet)	Max. Building Coverage (%)	Max. Impervious Coverage (%)
Single-family dwelling detached	8,000	50	30 (6)	35 (2)	10	35	35	50
Single-family dwelling attached (per unit)	4,250	50	30 (6)	35 (2)	10 (4)	35	35	50
Two family dwelling	8,500	50	30 (6)	35 (2)	10	35	35	50
Other Permitted Uses	8,500	50	30 (6)	35 (2)	10	35	35	50
Conditional Uses	8,500	50	30 (6)	35 (2)	10	35	35	50
Accessory Use (5)	-	-	30 (6)	5 (7)	5	17	10 (1)	10

1. See Section 4.12.08.
2. See Section 4.09.06 of this Ordinance.
3. On Corner Lots, the following criteria apply to setbacks. In existing developed areas, the Street Side Yard setback may conform to existing setbacks of existing single-family structures or two-family structures along that street. In new developments, the Street Side Yard setback shall be equal to the Front Yard setback.
4. The side yard along the common wall shall be 0 feet. The common wall shall be along the adjoining lot line.
5. Accessory uses including but not limited to structures, driveways, patios and other impervious surfaces highly resistant to infiltration by water.
6. All interior units may be a minimum of 20 feet wide per unit; while, all exterior units shall have a minimum of 30 feet of width per unit.
7. See Section 4.12.10 of this Ordinance



Section 5.10 R-2 Medium/High Density Residential District

5.10.01 Intent:

The purpose of the Medium /High Density Residential District is to permit single-family residences at a medium and/or high density with an increase of density to include duplexes and similar residential development in areas providing all public facilities and supporting facilities to maintain a sound and pleasant environment for the inhabitants.

5.10.02 Permitted Uses:

Permitted Uses are allowed outright provided the uses and/or structure meet the minimum bulk requirements of the District.

5.10.03 Conditional Uses:

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

5.10.04 Temporary Uses:

Temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 4.23.

5.10.05 Accessory Uses and Structures:

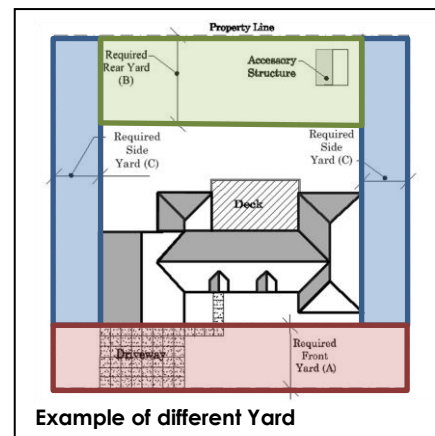
Refer to the definitions of Accessory Uses and Structures, as well as Table 5.06 and Sections within Article 4 for more detail.

5.10.06 Height and Lot Requirements:

The height and minimum lot requirements shall be as follows:

Use	Lot Area (Sq. Ft.)	Lot Width (feet)	A Front Yard (feet)	B Rear Yard (feet)	C Side Yard (feet)	Max. Height (feet)	Max. Building Coverage (%)	Max. Impervious Coverage (%)
Single-family dwelling	6,000	50	30	25 (3)	5	35	35	50
Single-family attached/Townhouses	2,500/unit	18/unit	30	25 (3)	(1)(8)	35	35	50
Two-family dwelling/duplex	6,000	60	30	25 (3)	5	35	35	50
Multi-family dwelling/Apartment	1,500/unit	50	30	25 (3)	5 (2)	45 (7)	35	50
Condominiums	2,500/unit	18/unit	30	25 (3)	5	35 (7)	35	50
Other Permitted Uses	6,500	50	30	25 (3)	5	35	35	50
Conditional Uses	6,500	50	30	25 (3)	5	35	35	50
Accessory Uses (6)	-	-	30	5 (9)	5	17	10 (4)	10

- The side yard along the common wall shall be 0 feet. The common wall shall be along the adjoining lot line.
- The Side Yard Setback shall be 10 feet if the structure is over 30 feet in height
- See Section 4.09.06 of this Ordinance.
- See Section 4.12.08.
- On Corner Lots the following criteria apply to setbacks. In existing developed areas, the Street Side Yard setback may conform to existing setbacks of existing single-family structures, two family structures and multiple family structures along that street. In new developments, the Street Side Yard setback shall be equal to the Front Yard setback.
- Accessory uses including but not limited to structures, driveways, patios and other impervious surfaces highly resistant to infiltration by water.
- The maximum height may be increased through the conditional use permit process per Section 4.13.02.
- All interior units may be a minimum of 20 feet wide per unit; while, all exterior units shall have a minimum of 30 feet of width per unit.
- See Section 4.12.10 of this Ordinance.



Section 5.11 R-3 Lakefront Residential District

5.11.01 Intent:

This district is intended to provide living areas on lakefront developments within the City's planning jurisdiction. Single and two-family residential dwellings are allowed in the district to promote and encourage a suitable environment for family life, minimize congestion, and reduce potential environmental hazards in relation to land use and the floodplain.

5.11.02 Permitted Uses:

Permitted Uses are allowed outright provided the uses and/or structure meet the minimum bulk requirements of the District.

5.11.03 Conditional Uses:

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

5.11.04 Temporary Uses:

Temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 4.23.

5.11.05 Accessory Uses and Structures:

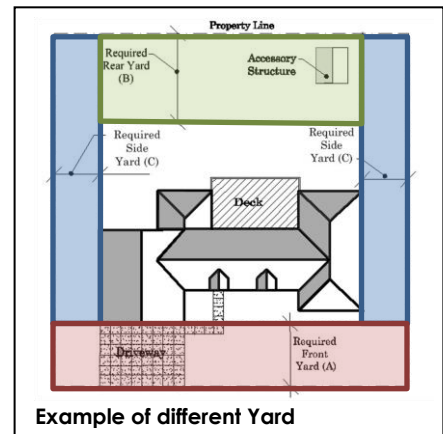
Refer to the definitions of Accessory Uses and Structures, as well as Table 5.06 and Sections within Article 4 for more detail.

5.11.06 Height and Lot Requirements:

The height and minimum lot requirements shall be as follows:

Use	Lot Area (Sq. Ft.)	Lot Width (feet)	Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)	Lakeside Setback (ft. from water)	Max. Height (feet)	Max. Building Coverage (%)	Max. Impervious Coverage (%)
Single-family dwelling (7)	8,000	50	20	25 (3)	5 (2)	20	35	35	60
Single-family attached/Townhouses (7)	2,500/unit	25/unit (6)	20	25 (3)	(1) (8)	20	35	35	60
Two-family dwelling/duplex (7)	6,000	60	20	25 (3)	5 (2)	20	35	35	60
Other Permitted Uses	8,000	50	20	25 (3)	5 (2)	20	35	50	60
Conditional Uses	8,000	50	20	25 (3)	5 (2)	20	35	50	60
Accessory Structures (8)	-	-	20	5	5	20 (5)	17	15 (4)	15

- The side yard along the common wall shall be 0 feet. The common wall shall be along the adjoining lot line.
- See Section 4.09.06 of this Ordinance.
- See Section 4.12.08.
- Boat slips or docks (unattached to buildings/structures) shall have no setback required when in water.
- Exterior lots shall be a minimum of 30 feet in width.
- On Corner Lots, the following criteria apply to setbacks. In existing developed areas, the Street Side Yard setback may conform to existing setbacks of existing single-family structures and two-family structure structures along that street. In new developments, the Street Side Yard setback shall be equal to the Front Yard setback.
- Accessory uses including but not limited to structures, driveways, patios and other impervious surfaces highly resistant to infiltration by water.
- All interior units may be a minimum of 20 feet wide per unit; while, all exterior units shall have a minimum of 30 feet of width per unit.



5.11.07 Supplemental Residential Regulations

- Single-family Attached/Townhouses
 - Common wall shall have a zero-lot line setback and be located on the property line separating both dwellings.
 - Each unit is separated by a two-hour fire rated wall from the lowest level and continuing through the roof structure.
 - Each unit shall be serviced by separate facilities.
 - When each unit is in separate ownership, the accompanying lot shall not be in common ownership with any other unit.
 - No more than three units shall be connected in this district.

2. Resource extraction operations, pursuant to Section 9.17 shall also meet the following Supplemental Regulations within this specific district.
 - A. Said operation was the initial method for the lake development,
 - B. Said operation is part of a continuing Lakefront Residential development plan,
 - C. Said operation and any residential development have separate points of ingress and egress, and
 - D. Said operation is being established to expand an existing Lakefront Residential development.

Section 5.12 RM Mobile Home Residential District

5.12.01 Intent:

This district recognizes that mobile home development, properly planned, can provide important opportunities for affordable housing. It provides opportunities for mobile home development within planned parks or subdivisions, along with the supporting services necessary to create quality residential neighborhoods.

5.12.02 Permitted Uses:

Permitted Uses are allowed outright provided the uses and/or structure meet the minimum bulk requirements of the District.

5.12.03 Conditional Uses:

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

5.12.04 Temporary Uses:

Temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 4.23

5.12.05 Accessory Uses and Structures:

Refer to the definitions of Accessory Uses and Structures, as well as Table 5.06 and Sections within Article 4 for more detail.

5.12.06 Special Design Criteria for this District

1. A mobile home development shall have a lot area of not less than five acres. No mobile homes or other structures shall be located less than 83 feet from the road centerline when contiguous to or having frontage to a County Road or 25 feet when contiguous from a State Highway. The setback on all other court property lines shall be 25 feet. These areas shall be landscaped. The minimum lot depth in a mobile home court shall be 200 feet.
2. Each lot provided for occupancy of a single mobile home dwelling shall have an area of not less than 5,000 square feet, excluding road right-of-way, and a width of not less than 50 feet. Each individual lot shall have:
 - a. Side yard setback shall not be less than eight feet, except that on corner lots, the setback for all buildings shall be a minimum of 30 feet on the side abutting a street/road.
 - b. Front yard setback shall not be less than 30 feet.
 - c. Rear yard setback of not less than 25 feet.
3. There shall be a minimum livable floor area of 500 square feet in each mobile home.
4. Height of buildings shall be:
 - a. Maximum height for principal uses shall be 35 feet.
 - b. Maximum height for accessory uses shall be 10 feet.
5. Each lot shall have access to a hard-surfaced drive not less than 22 feet in width, excluding parking.
6. Community water and community sewage disposal facilities shall be provided with connections to each lot, in accordance with design standards for the City. The water supply shall be sufficient for domestic use and for fire protection.
7. Service buildings including adequate laundry and drying facilities. Common toilet facilities for mobile homes which do not have these facilities within each unit may be provided.
8. Storm shelters shall be required and shall meet the following criteria:
 - a. Shelter space equivalent to two persons per mobile home lot,
 - b. Designed in conformance with "National Performance Criteria for Tornado Shelters" by the Federal Emergency Management Agency (FEMA) and any other referenced material by FEMA,
 - c. Shelters shall be sited in order to provide maximum protection to park occupants and so that residents may reach a shelter within the maximum safe time frame as directed by FEMA.
9. All trailer pad locations shall be hard surfaced with properly reinforced Poured in Place Concrete.

10. Not less than 10 percent of the total court area shall be designated and used for park, playground and recreational purposes.
11. Each mobile home dwelling shall be provided with a paved patio or equivalent, other than parking spaces, of not less than 150 square feet.
12. All trailers shall have skirting which is in good repair, meets manufacturer standards, and is in conformance with the color scheme of the trailer.

5.12.07 Special Requirements

All lots must be platted in accordance with the Subdivision Regulations of the City of Valley and shall also contain the following information:

- a. A complete plan of the mobile home development shall be submitted showing:
- b. A development plan and grading plan of the court.
- c. The area and dimensions of the tract of land.
- d. The number, location, and size of all mobile home spaces.
- e. The area and dimensions of the park, playground and recreation areas.
- f. The location and width of roadways and walkways.
- g. The location of service buildings and any other proposed structures.
- h. The location of water and sewer lines and sewage disposal facilities.
- i. Plans and specifications of all buildings and other improvements constructed or to be constructed within the mobile home court.

5.12.08 Supplemental Residential Regulations

1. Townhouses
 - A. Common wall shall have a zero-lot line setback and shall be located on the property line separating both dwellings.
 - B. Each unit is separated by a two-hour fire rated wall from the lowest level and continuing through the roof structure.
 - C. Each unit shall be serviced by separate facilities.
 - D. When each unit is in separate ownership, the accompanying lot shall not be in common ownership with any other unit.
 - E. No more than three units shall be connected in this district.

Section 5.13 C-1 General Commercial District

5.13.01 Intent:

The General Commercial District is intended to establish standards that will foster and maintain an area within the district boundaries that will benefit the retail trade, business, cultural, and social activities of the entire community.

5.13.02 Permitted Uses:

Permitted Uses are allowed outright provided the uses and/or structure meet the minimum bulk requirements of the District.

5.13.03 Conditional Uses:

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

5.13.04 Temporary Uses:

Temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 4.23.

5.13.05 Accessory Uses and Structures:

Refer to the definitions of Accessory Uses and Structures, as well as Table 5.06 and Sections within Article 4 for more detail.

5.13.06 Height and Lot Requirements:

The height and minimum lot requirements shall be as follows unless otherwise noted:

Use	Lot Area	Lot Width (feet)	A Front Yard (feet)	B Rear Yard (feet)	C Side Yard (feet)	Max. Height (feet)	Max. Building Coverage (%)	Max. Impervious Coverage (%)
Permitted Uses	(3)	-	25 (4)	(2)	(1)	45	40	75
Conditional Uses	(3)	-	25 (4)	(2)	(1)	45	40	75
Multi-family dwellings	1,500 sf/unit (3)	-	25 (4)	(2)	(1)	45	40	75
Accessory Structures	-	-	25 (4)	(2)	(1)	45	40	40

1. None, except that when adjacent to any residential district, the side yard setback shall be 25 feet.
2. None, except that when adjacent to any residential district, the rear yard setback shall be 25 feet, unless there is an alley between the two, in which case the rear yard setback shall be five feet.
3. Minimum Lot Area to be calculated based upon Maximum Lot Coverage, building footprint, and required ancillary uses like parking and landscaping.
4. A front yard setback of 25 feet is required only when no parking is present in the front yard. If parking is located in the front yard, then front yard setback is a minimum of 50 feet.

5.13.07 Use Limitations:

1. When adjacent to any residential district, no parking, drives or signs shall be allowed in the required front yard within 15 feet of such residential district.
2. When adjacent to any residential district, new construction shall provide permanent screen with a height of six feet or six feet four inches if a fence, in order to minimize impacts on residentially zoned property, pursuant to Section 9.04.
3. No outdoor storage, except the display of merchandise for sale to the public, shall be permitted.
4. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.
5. Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light on any property located in a residential or mobile home district.
6. All business, service, repair, processing, storage or merchandise display on property abutting or facing a lot in a residential district shall be conducted wholly within an enclosed building, unless screened from the residential district by a sight-obscuring fence permanently maintained at least six feet in height.
7. Openings to structures on sides adjacent to or across the street from a residential district shall be prohibited if such access or openings will cause glare, excessive noise or other adverse effects on residential properties.
8. Motor vehicle, boat, or trailer rental or sales lots shall be drained and surfaced with crushed rock or pavement, except in those portions of the lot maintained as landscape area.

9. 35% of the required front yard shall be maintained in landscaping.
10. Lots along the highways shall be required to gain access through a paved service road.

Section 5.14 C-2 Central Business District

5.14.01 Intent:

This district is intended to provide appropriate development regulations for Downtown Valley. Mixed uses are encouraged within the C-2 District, without allowing activities which would have a negative effect on the town center. The grouping of uses is designed to strengthen the town center’s role as a center for trade, service, and civic life.

5.14.02 Permitted Uses:

Permitted Uses are allowed outright provided the uses and/or structure meet the minimum bulk requirements of the District.

5.14.03 Conditional Uses:

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

5.14.04 Temporary Uses:

Temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 4.23.

5.14.05 Accessory Uses and Structures:

Refer to the definitions of Accessory Uses and Structures, as well as Table 5.06 and Sections within Article 4 for more detail.

5.14.06 Height and Lot Requirements:

The height and minimum lot requirements shall be as follows:

Use	Lot Area (Sq. Ft.)	Lot Width (feet)	Front Yard (feet)	Rear Yard (feet)**	Side Yard (feet)*	Max. Height (feet)	Max. Building Coverage (%)	Max. Impervious Coverage (%)
Permitted Uses	-	-	0	0	0	45	100	100
Conditional Uses	-	-	0	0	0	45	100	100
Accessory Structures	-	-	0	0	0	45	-	-

* None, except that when adjacent to any residential district, the Side Yard setback shall be 10 feet, except when separated by an alley.

** None, except that when adjacent to any residential district, the Rear Yard setback shall be 25 feet, except when separated by an alley.

5.14.07 Use Limitations:

1. When adjacent to any residential district, no parking, drives or signs shall be allowed in the required front yard within 15 feet of such residential district.
2. When adjacent to any residential district, new construction shall provide permanent screen with a height of six feet or six feet four inches if a fence, in order to minimize impacts on residentially zoned property, pursuant to Section 9.04.
3. No outdoor storage, except the display of merchandise for sale to the public, shall be permitted.
4. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and/or District and so that no glare is visible to any traffic on any public street.
5. All business, service, repair, processing, storage or merchandise display on property abutting or facing a lot in a residential district shall be conducted wholly within an enclosed building, unless screened from the residential district by a sight-obscuring fence permanently maintained at least six feet in height.
6. Openings to structures on sides adjacent to or across the street from a residential district shall be prohibited if such access or openings will cause glare, excessive noise or other adverse effects on residential properties.
7. All new buildings constructed within the C-2 Central Business District shall meet the design guidelines found in Articles 11 and 12 of this ordinance.

Section 5.15 C-3 Highway Commercial District

5.15.01 Intent:

This district is applied to parcels along US Highway 275 and Nebraska Highway 64. The district permits a mixture of uses. Uses will tend to serve the traveling public or larger commercial properties needing space for parking and turning.

5.15.02 Permitted Uses:

Permitted Uses are allowed outright provided the uses and/or structure meet the minimum bulk requirements of the District.

5.15.03 Conditional Uses:

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

5.15.04 Temporary Uses:

Temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 4.23.

5.15.05 Accessory Uses and Structures:

Refer to the definitions of Accessory Uses and Structures, as well as Table 5.06 and Sections within Article 4 for more detail.

5.16.06 Height and Lot Requirements:

The height and minimum lot requirements shall be as follows unless otherwise noted:

Use	Lot Area	Lot Width (feet)	A Front Yard (feet)	B Rear Yard (feet)	C Side Yard (feet)	Max. Height (feet)	Max. Building Coverage (%)	Max. Impervious Coverage (%)
Permitted Uses	(3)	-	25 (4)	(2)	(1)	45	40	75
Conditional Uses	(3)	-	25 (4)	(2)	(1)	45	40	75
Multi-family dwellings	(3)	-	25 (4)	(2)	(1)	45	40	75
Accessory Structures	-	-	25 (4)	(2)	(1)	45	-	-

1. None, except that when adjacent to any residential district, the side yard setback shall be 25 feet.
2. None, except that when adjacent to any residential district, the rear yard setback shall be 25 feet, unless there is an alley between the two, in which case the rear yard setback shall be five feet.
3. Minimum Lot Area to be calculated based upon Maximum Lot Coverage, building footprint, and required ancillary uses like parking and landscaping.
4. A front yard setback of 25 feet is required only when no parking is present in the front yard. If parking is located in the front yard, then front yard setback is a minimum of 50 feet.

5.16.07 Use Limitations:

1. When adjacent to any residential district, no parking, drives or signs shall be allowed in the required front yard within 15 feet of such residential district.
2. When adjacent to any residential district, new construction shall provide permanent screen with a height of six feet or six feet four inches if a fence, in order to minimize impacts on residentially zoned property, pursuant to Section 9.04.
3. No outdoor storage, except the display of merchandise for sale to the public, shall be permitted.
4. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.
5. All new buildings constructed within the C-3 Highway Commercial District shall meet the design guidelines found in Articles 11 and 12 of this ordinance.
6. All business, service, repair, processing, storage or merchandise display on property abutting or facing a lot in a residential district shall be conducted wholly within an enclosed building, unless screened from the residential district by a sight-obscuring fence permanently maintained at least six feet in height.
7. Openings to structures on sides adjacent to or across the street from a residential district shall be prohibited if such access or openings will cause glare, excessive noise or other adverse effects on residential properties.
8. Motor vehicle, boat, or trailer rental or sales lots shall be drained and surfaced with crushed rock or pavement, except in those portions of the lot maintained as landscape area.
9. 35% of the required front yard shall be maintained in landscaping.
10. Lots along the highways shall be required to gain access through a paved service road.

Section 5.16 I-1 Light Industrial District

5.16.01 Intent:

It is the intent of the Light Industrial District to provide standards for areas suitable for some limited industrial, wholesaling and storage activities, to preserve land for the expansion of the basic economic activities, to free these areas from intrusion by incompatible land uses, that these areas should be served with adequate transportation facilities, and that user of this land conduct activities that create low to moderate hazards to adjacent properties.

5.16.02 Permitted Uses:

Permitted Uses are allowed outright provided the uses and/or structure meet the minimum bulk requirements of the District.

5.16.03 Conditional Uses:

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

5.16.04 Temporary Uses:

Temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 4.23.

5.16.05 Accessory Uses and Structures:

Refer to the definitions of Accessory Uses and Structures, as well as Table 5.06 and Sections within Article 4 for more detail.

5.16.06 Height and Lot Requirements:

The height and minimum lot requirements shall be as follows unless otherwise noted:

Use	Lot Area	Lot Width (feet)	Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)	Max. Height (feet)	Max. Building Coverage (%)	Max. Impervious Coverage (%)
Permitted Uses	(3)	-	25 (4)	(2)	(1)	45 (5)	-	100
Conditional Uses	(3)	-	25 (4)	(2)	(1)	45 (5)	-	100
Accessory Structures	-	-	25 (4)	(2)	(1)	45 (5)	-	100

1. None, except that when adjacent to any residential district, the side yard setback shall be 25 feet.
2. None, except that when adjacent to any residential district, the rear yard setback shall be 25 feet.
3. Minimum Lot Area to be calculated based upon Maximum Lot Coverage, building footprint, and required ancillary uses like parking and landscaping.
4. A front yard setback of 25 feet is required only when no parking is present in the front yard. If parking is located in the front yard, then front yard setback is a minimum of 50 feet.
5. The minimum height requirement may be exceeded, provided the setback is increased by one foot for every one-foot increase in building height.

5.16.07 Use Limitations:

1. When adjacent to any residential district, no parking, drives or signs shall be allowed in the required front yard within 30 feet of such residential district.
2. When adjacent to any residential district, new construction shall provide permanent screen with a height of six feet or six feet four inches if a fence, in order to minimize impacts on residentially zoned property, pursuant to Section 9.04.
3. No outdoor storage, except the display of merchandise for sale to the public, shall be permitted.
4. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.
5. When adjacent to an alley, the width of the alley shall be included in computing the minimum rear yard setback.
6. All business, service, repair, processing, storage or merchandise display on property abutting or facing a lot in a residential district shall be conducted wholly within an enclosed building, unless screened from the residential district by a sight-obscuring fence permanently maintained at least six feet in height.
7. Openings to structures on sides adjacent to or across the street from a residential district shall be prohibited if such access or openings will cause glare, excessive noise or other adverse effects on residential properties.
8. Motor vehicle, boat, or trailer rental or sales lots shall be drained and surfaced with crushed rock or pavement, except in those portions of the lot maintained as landscape area.

5.16.08 Performance Standards:

See Section 9.05 of the Supplemental Regulations.

Section 5.17 I-2 Heavy Industrial District

5.17.01 Intent:

It is the intent of the Heavy Industrial District to provide standards for areas suitable for some intense industrial, wholesaling and storage activities, to preserve land for the expansion of the basic economic activities, to free these areas from intrusion by incompatible land uses, that these areas should be served with adequate transportation facilities, and that user of this land conduct activities that create low to moderate hazards to adjacent properties.

5.17.02 Permitted Uses:

Permitted Uses are allowed outright provided the uses and/or structure meet the minimum bulk requirements of the District.

5.17.03 Conditional Uses:

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

5.17.04 Temporary Uses:

Temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 4.23.

5.17.05 Accessory Uses and Structures:

Refer to the definitions of Accessory Uses and Structures, as well as Table 5.06 and Sections within Article 4 for more detail.

5.17.06 Height and Lot Requirements:

The height and minimum lot requirements shall be as follows unless otherwise noted:

Use	Lot Area	Lot Width (feet)	Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)	Max. Height (feet)	Max. Building Coverage (%)	Max. Impervious Coverage (%)
Permitted Uses	(3)	-	25 (4)	(2)	(1)	45 (5)	-	100
Conditional Uses	(3)	-	25 (4)	(2)	(1)	45 (5)	-	100
Accessory Structures	-	-	25 (4)	(2)	(1)	45 (5)	-	100

6. None, except that when adjacent to any residential district, the side yard setback shall be 25 feet.
7. None, except that when adjacent to any residential district, the rear yard setback shall be 25 feet.
8. Minimum Lot Area to be calculated based upon Maximum Lot Coverage, building footprint, and required ancillary uses like parking and landscaping.
9. A front yard setback of 25 feet is required only when no parking is present in the front yard. If parking is located in the front yard, then front yard setback is a minimum of 50 feet.
10. The minimum height requirement may be exceeded, provided the setback is increased by one foot for every one-foot increase in building height.

5.16.07 Use Limitations:

1. When adjacent to any residential district, no parking, drives or signs shall be allowed in the required front yard within 25 feet of such residential district.
2. When adjacent to any residential district, new construction shall provide permanent screen with a height of six feet or six feet four inches if a fence, in order to minimize impacts on residentially zoned property, pursuant to Section 9.04.
3. No outdoor storage, except the display of merchandise for sale to the public, shall be permitted.
4. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.
5. When adjacent to an alley, the width of the alley shall be included in computing the minimum rear yard setback.
6. All business, service, repair, processing, storage or merchandise display on property abutting or facing a lot in a residential district shall be conducted wholly within an enclosed building, unless screened from the residential district by a sight-obscuring fence permanently maintained at least six feet in height.
7. Openings to structures on sides adjacent to or across the street from a residential district shall be prohibited if such access or openings will cause glare, excessive noise or other adverse effects on residential properties.
8. Motor vehicle, boat, or trailer rental or sales lots shall be drained and surfaced with crushed rock or pavement, except in those portions of the lot maintained as landscape area.

5.16.08 Performance Standards:

See Section 9.05 of the Supplemental Regulations.

Section 5.18 I-3 General Industrial District

5.18.01 Intent:

It is the intent of the I-3 General Industrial District to provide standards for areas suitable for some very light industrial, wholesaling and related storage activities, to preserve land for the expansion of the basic economic activities, to free these areas from intrusion by incompatible land uses, that these areas should be served with adequate transportation facilities, and that users of this land conduct activities that create extremely low or no hazards to adjacent properties. Semitrailer traffic is to be minimal, on an "as necessary" basis only.

In general, the I-3 district is intended to provide a transitional district between manufacturing and consumer services*. Included in the District are consumer services*, and related warehousing, parking, display and trucking as well as retail services* and wholesale sales and services*. This area is characterized by being bounded (either adjacent to or across public right-of-way from) by a residential district on at least two sides.

* Services as provided in this District can be characterized as a business function, auxiliary to production, whose useful labor does not provide a tangible commodity, but satisfies a public demand in the form of providing supplies, maintenance, repair or incidental services.

5.18.02 Permitted Uses:

Permitted Uses are allowed outright provided the uses and/or structure meet the minimum bulk requirements of the District.

5.18.03 Conditional Uses:

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

5.18.04 Temporary Uses:

Temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 4.23.

5.18.05 Accessory Uses and Structures:

Refer to the definitions of Accessory Uses and Structures, as well as Table 5.06 and Sections within Article 4 for more detail.

5.18.06 Height and Lot Requirements:

The height and minimum lot requirements shall be as follows unless otherwise noted:

Use	Lot Area	Lot Width (feet)	Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)	Max. Height (feet)	Max. Building Coverage (%)	Max. Impervious Coverage (%)
Permitted Uses	(3)	-	25 (4)	(2)	(1)	45 (5)	-	100
Conditional Uses	(3)	-	25 (4)	(2)	(1)	45 (5)	-	100
Accessory Structures	-	-	25 (4)	(2)	(1)	45 (5)	-	100

1. None, except that when adjacent to any residential district, the side yard setback shall be 25 feet.
2. None, except that when adjacent to any residential district, the rear yard setback shall be 25 feet.
3. Minimum Lot Area to be calculated based upon Maximum Lot Coverage, building footprint, and required ancillary uses like parking and landscaping.
4. A front yard setback of 25 feet is required only when no parking is present in the front yard. If parking is located in the front yard, then front yard setback is a minimum of 50 feet.
5. The minimum height requirement may be exceeded, provided the setback is increased by one foot for every one-foot increase in building height.

5.18.07 Use Limitations:

1. When adjacent to any residential district, no parking, drives or signs shall be allowed in the required front yard within 25 feet of such residential district.
2. When adjacent to any residential district, new construction shall provide permanent screen with a height of six feet or six feet four inches if a fence, in order to minimize impacts on residentially zoned property, pursuant to Section 9.04.
3. No outdoor storage, except the display of merchandise for sale to the public, shall be permitted.

4. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.
5. When adjacent to an alley, the width of the alley shall be included in computing the minimum rear yard setback.
6. All business, service, repair, processing, storage or merchandise display on property abutting or facing a lot in a residential district shall be conducted wholly within an enclosed building, unless screened from the residential district by a sight-obscuring fence permanently maintained at least six feet in height.
7. Openings to structures on sides adjacent to or across the street from a residential district shall be prohibited if such access or openings will cause glare, excessive noise or other adverse effects on residential properties.
8. Motor vehicle, boat, or trailer rental or sales lots shall be drained and surfaced with crushed rock or pavement, except in those portions of the lot maintained as landscape area.

5.18.08 Performance Standards:

See Section 9.05 of the Supplemental Regulations.

Section 5.19 CMD Clustered/Mixed Use Development District

5.19.01 Intent

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

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

5.19.02 Permitted Uses:

Permitted Uses are allowed outright provided the uses and/or structure meet the minimum bulk requirements of the District.

5.19.03 Conditional Uses:

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

5.19.04 Temporary Uses:

Temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 4.23.

5.19.05 Accessory Uses and Structures:

Refer to the definitions of Accessory Uses and Structures, as well as Table 5.06 and Sections within Article 4 for more detail.

5.19.06 Height and Lot Requirements:

The height and minimum lot requirements shall be as follows unless otherwise noted:

Use	Lot Area	Lot Width (feet)	Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)	Max. Height (feet)	Max. Building Coverage (%)	Max. Impervious Coverage (%)
Single-family dwellings	4,000	40	(1)	(1)	(1)	35	(1)	(1)
Multi-family dwellings	1,500 per unit	60	(1)	(1)	(1)	45	(1)	(1)
Single-family attached/ Townhomes/condominiums	2,500 per unit	18	(1)	(1)	(1)	35	(1)	(1)
Permitted Uses	(1)	(1)	(1)	(1)	(1)	45	(1)	(1)
Conditional Uses	(1)	(1)	(1)	(1)	(1)	45	(1)	(1)
Accessory Structures	-	-	(1)	(1)	(1)	45	(1)	(1)

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

5.19.07 Supplemental Requirements:

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

2. Use Limitations:
In District CMD no building, structure, land, or premises shall be used, and no building shall be erected, constructed, or altered, except for any use permitted in this District. All uses must be approved as shown on the Development Plan as specified in this division.
3. Standards and conditions for development:
A development proposed for land classified as the CMD district shall be consistent with the following general standards for use of land, and the use, type, bulk, and location of buildings, the density or intensity of use, open space, public facilities, and the Development Plan shall, where applicable, reflect compliance.
 - A. The applicant shall satisfy the Planning Commission and City Council that there is the ability to carry out the proposed plan, including financial assurances and the phasing of the project, and shall prepare and submit a schedule of construction, if necessary. The proposed construction shall begin within a period of 12 months following the approval of the final application by the City Council. A minimum of 50% of the total planned construction shown on the final plan shall be completed within a period of five years following such approval or the approval shall expire. If the approval expires under this section, the applicant shall show good cause to the Planning Commission to extend the plan approval.
 - B. The developer shall provide and record easements and covenants, shall make such other arrangements, and shall furnish such performance bonds, escrow deposit, or other financial guarantees for public improvements as may be determined by the City Council to be reasonably required to assure performance in accordance with the Development Plan and to protect the public interest in the event of abandonment of said plan before completion.
 - C. The site shall be accessible from public roads that are adequate to carry the traffic that will be imposed upon them by the proposed development. The streets and driveways on the site of the proposed development shall be adequate to serve the residents or occupants of the proposed development.
 - D. The development shall not impose an undue burden on public services and facilities, such as fire and police protection.
 - E. The entire tract or parcel of land to be occupied by the CMD development shall be held in single ownership or control, or if there are two or more owners, the application for such CMD development shall be filed jointly by all owners. This provision may be waived provided that the land contains existing improvements.
 - F. The location and arrangement of structures, parking areas, walks, lighting, and appurtenant facilities shall be compatible with the surrounding land uses, and any part of a CMD development not used for structures, parking and loading areas, or access ways shall be landscaped or otherwise improved as shown on the Development Plan.
 - G. Off-street parking and loading shall be provided in accordance with the parking and loading regulations of the City of Valley.
 - H. When a commercial use within a CMD District abuts a residential district, the Development Plan shall reflect screening consisting of landscaping and/or fencing provided adjacent to any adjoining residential district; except in the event the adjacent residential use and the commercial use are separated by a street right-of-way.
 - I. All residential and commercial buildings shall set back not less than 25 feet from the perimeter of the land zoned CMD. Additional setback from a heavily traveled thoroughfare may be required, when found reasonable by the planning commission for protection of health, safety, and general welfare.
 - J. Building coverage area shall not exceed the following percentages of the net developable area of each individual parcel of the total development:
 - Single-family Residential: 60% maximum;
 - Strip/Big Box Commercial: 50% maximum;
 - Mixed Use Commercial/Residential: 100% maximum.

NOTE: Building coverage area, is the area covered by building(s) or structure(s) on each individual lot or parcel (not including such impervious improvements such as but not limited to walkways, driveways, patios etc.). The net developable area shall be the area of each parcel and the net of any required yard required under the Development Plan.

The Development Plan shall reflect the calculations used to demonstrate compliance with this requirement.

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

5.19.08 Application for approval of Clustered / Mixed Use Development:

- 1. An application for a CMD shall be handled in the same manner prescribed for amending this Ordinance. The same requirements for notice, advertisement of public hearing, protests, and adoption shall be required as zoning changes.
- 2. The applicant shall prepare and submit five hard copies and one digital copy of the development plan (the "Development Plan") of the proposed development in the CMD District for review and approval by the Planning Commission. The Development Plan shall include:
 - A. A site plan showing:
 - 1) Contours at intervals of two feet or spot elevations on a 150-foot grid shall be required on flat land;
 - 2) Location, size, height, and use of all proposed structures and proposed yards on each lot;
 - 3) All points of ingress and egress, driveways, circulation aisles, parking lots, parking spaces, and service areas;
 - 4) All streets adjoining subject property and the width of the existing right-of-way;
 - 5) Areas set aside for Common Areas with the type of use or recreational facilities planned for each;
 - 6) Designation of individual parcels if the proposed development is to be set up in separate construction phases;
 - 7) Designation of individual lots if such lots are proposed to be sold to individual owners;
 - 8) Location of required screening;
 - 9) Location of natural features such as ponds, tree clusters, and rock outcropping;
 - 10) Existing development on adjacent properties within 200 feet.
 - B. The above-described site plan shall also include a section designated as "general provisions," and said section shall include the following when, said items are applicable:
 - 1) Net area in square feet of the development. (Note: Net area shall be computed as the gross area less the land dedicated or necessary to be dedicated for public street right-of-way.

- C. Density of dwelling units per acre of the total dwelling units for the entire plan.
 - 1) Building coverage of the net area of the development by individual parcel or total development.
 - 2) The percentage of the Development Plan provided for common open space as defined by this regulation. (Note: 20 percent is the minimum).
 - 3) If more than one parcel is proposed, a statement relating to the sequence of development shall be included.
 - 4) Required number of parking spaces and location.
 - 5) Gross floor area proposed for commercial buildings.
 - 6) All proposed land uses shall be listed by parcel.
 - a. A statement or adequate drawings shall be included describing the manner for the disposition of sanitary waste and storm water.
 - b. The full legal description of the boundaries of the property or properties to be included in the CMD development.
 - c. A vicinity map showing the general arrangement of streets within an area of 1,000 feet from the boundaries of the proposed CMD development.
 - d. An elevation drawing of the general characteristics of the proposed buildings may be submitted if the applicant desires.
 - e. When a CMD development includes provisions for common space and/or recreational facilities, a statement describing how such open space and/or facility be owned and maintained when not under the ownership of a governmental entity. A homeowner association or other controlling entity shall provide the City of Valley with copies of the proposed articles of incorporation and bylaws of such entity.
3. The Planning Commission shall meet within 45 days of an application being filed. Plans shall be filed with the City at least four weeks prior to a scheduled Planning Commission meeting. After the application for a CMD development is filed, the Planning Commission shall hold a public hearing on said development after giving required notice for hearings in amendments. Said public hearing may be adjourned from time to time and, within a reasonable period of time after the conclusion of said public hearing, the planning commission shall prepare and transmit to the City Council and the applicant specific findings of fact with respect to the extent which the Development Plan complies with those regulations, together with its recommendations in respect to the action to be taken on the Development Plan and CMD requirements. The planning commission may recommend disapproval, approval, or approval with amendments, conditions or restrictions.
4. The City Council shall or shall not approve the Development Plan and authorize the submitting of the final Development Plan.
5. Substantial or significant changes in the preliminary plat and CMD design shall only be made after rehearing and approval unless the changes were otherwise required by the Planning Commission or the City Council.

5.19.09 Final approval:

1. After approval of a Development Plan and prior to the issuance of any building permit or zoning permit, the applicant shall submit an application for final approval with the CMD development compliance review committee. The CMD development compliance committee shall consist of members of the Valley Planning Commission, Valley City Council, the Building Inspector, the Valley City Attorney, and/ or the Valley City Engineer; this committee will be assembled only on an as needed basis. Said final application may include the entire CMD District or may be for a unit or section thereof as set forth in the approval of the preliminary plan. The application shall include five hard copies and one digital copy of such drawings, specifications, covenants, easements, conditions, and any other conditions including but not limited to performance bonds. As set forth in the approval of the Development Plan preliminary plan and in accordance with the conditions established in this chapter for a CMD District. The final plan shall include the same information, as the preliminary plan except the following shall also be provided:
 - A. A surveyor's certificate certifying to the accuracy of the boundary surveys shown.
 - B. Location, names, tangent lengths, centerline radius of each curve and its interior width and angle of all proposed public right-of-way;
 - C. All easements and appropriate building setback lines;

- D. All lot lines, and lot dimensions including chord distances for curvilinear lot lines;
 - E. Lot and/or parcel numbers;
 - F. Location, size, height, and use of all proposed or present buildings;
 - G. Dedication of all streets, public highways, or other land intended for public use, signed by the owner and by all other parties who have a mortgage or lien interest in the property, together with any restrictions or covenants which apply to the property.
 - H. A waiver of claim by the applicant for damages occasioned by the establishment of grades or the alteration of the surface of any portion of streets and alleys to conform to grades established.
- 2. A plan submitted for final approval shall be deemed to be in substantial compliance with the plan previously given tentative approval, provided any modification of the Development Plan does not:
 - A. Vary the proposed gross residential density or intensity of use by more than five percent or involve a reduction in the area set aside for common open space, nor the substantial relocation of such area; nor
 - B. Increase by more than 10 percent the floor area proposed for non-residential use; nor
 - C. Increase by more than five percent the total ground area covered by buildings nor involve a substantial change in the height of buildings.
 - D. Substantially change the design of the plan so as to significantly alter:
 - 1) Pedestrian or vehicular traffic flow.
 - 2) The juxtaposition of different land uses.
 - 3) The relation of open space to residential development.
 - 4) The proposed phasing of construction.
 - 5) Proposed use of one or more buildings to a more intensive use category as delineated in this chapter.
 - 3. A public hearing need not be held for the approval of a final plan if it is in substantial compliance with the approved preliminary plan. The planning commission shall, within thirty 30 business days of the time of filing, review the final plan for compliance with the approved preliminary plan. Upon review approval, said final plan shall be filed with the City Council for final approval and acceptance.
 - 4. In the event that the final plan submitted contains changes in excess of those permitted under Subparagraph (2) above, applicant shall resubmit the original plan. The Development Plan shall be modified in the same manner prescribed in this division as for original approval.

5.19.10 Enforcement and modification of plan:

- 1. To further the mutual interest of the residents and owners of the CMD development and of the public in the preservation of the integrity of the CMD plan, as finally approved, and to insure that modifications, if any, in the plan shall not impair the reasonable reliance of the said residents and owners upon the provisions of the plan, nor result in changes that would adversely affect the public interest, the enforcement and modification of the provisions of the plan as finally approved, whether recorded by plan, covenant, easement or otherwise, shall be subject to the following provisions:
 - A. The use of land and the use, bulk, and location of buildings and structures; and
 - B. The quality and location of common space; and
 - C. The intensity of use or the density of residential units shall run in favor of the City and
- 2. Shall be enforceable in law or in equity, by the City, without limitation on any powers or regulation otherwise granted by law. The development of any land pursuant to an approved Development Plan shall be constructed in accordance with the requirements of Section 5.19 and the approved Development Plan.

5.19.11 Amendments:

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

5.19.12 Platting:

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

5.19.13 Fees:

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

1. Development Plan, filing fee shall be set by the City Council by separate ordinance;
2. Final plan, filing fee shall be set by the City Council by separate ordinance.

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

Section 5.20 HO Highway Corridor Protection District (overlay district)

5.20.01 Intent:

The City of Valley has established basic site development criteria to be implemented within the boundaries of this overlay district. These criteria include, but are not limited to the following: landscaping, signing, lighting, and interior street development. The motivation for regulating these issues is to provide for a cohesive and properly developed entrance into the City of Valley. Guiding development in this manner promotes the general health, safety and welfare of the residents within the zoning jurisdiction of the City, by providing quality design and construction, which will also aid in the protection of past and future investment in the corridor.

5.20.02 Purpose:

The purpose of these criteria is to establish a checklist of those items that affect the physical and aesthetic aspects of Valley's community entrances. Pertinent to appearance is the design of the site, planting, signs, street hardware, and miscellaneous other objects that are observed by the public. The uses allowed are governed by the underlying zoning district classification. This Section provides additional criteria which shall be adhered to within the HO overlay areas.

The criteria contained herein are not intended to restrict imagination, innovation or variety, but rather to assist in focusing on design principles that can result in creative solutions that will develop a satisfactory visual appearance of the entrances to the City, preserve taxable values, and promote the public health, safety and welfare.

5.20.03 Geographic Area:

The Gateway Corridor Protection District extends generally along U.S. Highway 275 and portions of Nebraska Highway 64 within the one-mile extraterritorial jurisdiction of Valley. The width of this district is as indicated on the Official Zoning Map.

5.20.04 Criteria for Application:

All developments consisting of more than one principal building, mixed-uses, multiple-pad development and/or similar shall be required to rezone the property as a Clustered/Mixed Use Development (CMD) and meet the requirements of said district. The CMD process and rezoning shall be in conjunction with Preliminary and Final Plat review and approval.

5.20.05 Vehicular Circulation:

1. All development within the district shall have service roads. Highway access shall be minimized.
2. The site shall be planned to accomplish a desirable transition with the streetscape and to provide for adequate planting, safe pedestrian movement, and parking areas.
3. Parking areas and traffic ways shall be enhanced with landscaped spaces containing trees or tree groupings.

5.20.06 Landscape and Site Treatment:

1. Landscape elements included in these criteria consist of all forms of planting and vegetation, ground forms, rock groupings, water patterns, and all visible construction except buildings and utilitarian structures.
2. Where natural or existing topographic patterns contribute to beauty and utility of a development, they shall be preserved and developed. Modification to topography will be permitted where it contributes to good site design and development.
3. Unity of design shall be achieved by repetition of certain plant varieties and other materials and by correlation with adjacent developments.
4. Grades of walks, parking spaces, terraces, and other paved areas shall provide an inviting and stable appearance for walking and, if seating is provided, for sitting.
5. Landscape treatments shall be provided to enhance architectural features, strengthen vistas and important axis, and provide shade. Spectacular effects shall be reserved for special locations only.
6. Plant material shall be achieved by repetition of certain plant varieties and other materials and by correlation with adjacent developments.
7. The use of walls, fencing, planting, or combinations thereof shall be used to screen service yards and other places that tend to be unsightly. Screening shall be equally effective in winter and summer.
8. Exterior lighting, when used, shall enhance the building design and the adjoining building and adjacent areas. Lighting shall be restrained in design and excessive brightness avoided. Lighting

shall be designed to a standard that does not impact adjoining properties, especially residential areas.

9. Developments in the Highway Corridor Protection District shall meet all other applicable screening regulations pursuant to Article 7.

5.20.07 Signs:

- A. Every sign shall have good scale and proportion in its design and in its visual relationship to buildings and surroundings.
- B. Every sign shall be designed as an integral architectural element of the building and site to which it principally relates.
- C. The colors, materials, and lighting of every sign shall be restrained and harmonious with the building and site to which it principally relates.
- D. The number of graphic elements on a sign shall be held to the minimum needed to convey the sign's major message and shall be composed in proportion to the area of the sign face.
- E. Each sign shall be compatible with signs on adjoining premises and shall not compete for attention.
- F. Identification signs of prototype design and corporation logos shall conform to the criteria for all other signs.
- G. All signage shall comply with the Sign Regulations found in the Supplemental Regulations, pursuant to Article 8.

5.20.05 Conflicts:

All conflicts between this Section and the landscaping and sign sections shall be governed by the most restrictive regulation.

Section 5.21 Floodplain Regulations

5.21.01 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 and general welfare. The Legislature of the State of Nebraska has in Sections 31-1001 to 31-1022, R.R.S. 1943 assigned the responsibility to local governmental units to adopt floodplain management regulations designed to protect the public health, safety and general welfare.

5.21.02 Findings of Fact

1. Flood Losses Resulting from Periodic Inundation

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

2. General Causes of the Flood Losses

These flood losses are caused by: (1) The cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, (2) The occupancy of flood hazard areas by uses vulnerable to floods or hazardous to others, which are inadequately elevated or otherwise unprotected from flood damages.

3. Methods Used to Analyze Flood Hazards

This ordinance uses a reasonable method of analyzing flood hazards which consists of a series of interrelated steps.

- a. Selection of a regulatory flood which is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The base flood is selected for this ordinance. It is representative of large floods which are reasonably characteristic of what can be expected to occur on the particular streams subject to this ordinance. It is in the general order of a flood which could be expected to have a one percent (1%) chance of occurrence in any one year, as delineated on the Federal Insurance Administration's Flood Insurance Study, and illustrative materials dated March 18, 1980 as amended, and any future revisions thereto.
- b. Calculation of water surface profiles based on a hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the base flood.
- c. Computation of the floodway required to convey this flood without increasing flood heights more than 1 foot at any point.
- d. Delineation of floodway encroachment lines within which no obstruction is permitted which would cause any water surface increase along the floodway profile.
- e. Delineation of floodway fringe, i.e., that area outside the floodway encroachment lines, but which still is subject to inundation by the base flood.

5.21.03 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 5.21.02 (1) by applying the provisions of this ordinance to:

1. Restrict or prohibit uses, which are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities.
2. Require that uses vulnerable to floods, including public facilities, which serve such uses, be provided with flood protection at the time of initial construction.
3. Protect individuals from buying lands, which are unsuited for intended purposes because of flood hazard.
4. Assure that eligibility is maintained for property owners in the community to purchase flood insurance in the National Flood Insurance Program.

5.21.04 General Provisions

1. Lands to which ordinance applies

This ordinance shall apply to all lands within the jurisdiction of the City of Valley, Nebraska identified on the Flood Insurance Rate Map (FIRM) dated December 2, 2005, and any revisions thereto, as numbered and unnumbered A Zones (including AE, AO and AH Zones) and within the Zoning Districts FW and FF established in Section 5.21.05 of this ordinance. In all areas covered by this ordinance no development shall be permitted except upon the issuance of a floodplain permit to develop, granted by the governing body or its duly designated representative under

such safeguards and restrictions as the governing body 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 5.21.06 through 5.21.08.

2. **Enforcement Officer**
The Building Inspector of the community is hereby designated as the community's duly designated Enforcement Officer under this Ordinance.
3. **Rules for interpretation of district boundaries**
The boundaries of the floodway and flood fringe overlay districts shall be determined by scaling distances on the official zoning map or on the Flood Insurance Rate Map or Floodway Map. Where interpretation is needed to the exact location of the boundaries of the districts as shown on the official zoning map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions, the Enforcement Officer shall make the necessary interpretation. In such cases where the interpretation is contested, the Board of Adjustment will resolve the dispute. The 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 his case to the Board of Adjustment and to submit his own technical evidence, if he so desires.
4. **Compliance**
Within identified special flood hazard areas 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.
5. **Abrogation and Greater Restrictions**
It is not intended by this ordinance 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.
6. **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.
7. **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 on rare occasions or the flood height may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This 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 Building Inspector of the City of Valley, Nebraska 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.
8. **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.
9. **Appeal**
Where a request for a permit to develop or a variance is denied by the Building Inspector the applicant may apply for such permit or variance directly to the Board of Adjustment.

5.21.05 Development Permit

1. **Permit Required**
No person, firm or corporation shall initiate any floodplain development or substantial improvement or cause the same to be done without first obtaining a separate permit for development as defined in Section 5.21.14.
2. **Administration**

The Building Inspector is hereby appointed to administer and implement the provisions of this ordinance.

3. Duties of the Building Inspector shall include, but not be limited to:
 - A. 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.
 - B. Review applications for proposed development to assure that all necessary permits have been obtained from those Federal, state or local governmental agencies from which prior approval is required.
 - C. Notify adjacent communities and the Nebraska Natural Resources Commission prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
 - D. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
 - E. 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 special flood hazard areas.
 - F. Verify, record and maintain record of the actual elevation (in relation to mean sea level) to which new or substantially improved structures have been floodproofed.
 - G. When floodproofing is utilized for a particular structure the Building Inspector shall be presented certification from a registered professional engineer or architect.

4. Application for Permit
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:
 - A. Identify and describe the development to be covered by the floodplain development permit.
 - B. Describe the land on which the proposed development is to be done by lot, block, tract and house and street address, or similar description that will readily identify and definitely locate the proposed building or development.
 - C. Indicate the use or occupancy for which the proposed development is intended.
 - D. Be accompanied by plans and specifications for proposed construction.
 - E. Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.
 - F. Give such other information as reasonably may be required by the Building Inspector.

5.18.06 Establishment of Zoning Districts

Along watercourses where a floodway has been established, the mapped floodplain areas are hereby divided into the two following districts:

1. A floodway overlay district (FW) and
2. A flood fringe overlay district (FF) as identified in the Flood Insurance Study.

Within these districts all uses not meeting the standards of this ordinance and those standards of the underlying zoning district shall be prohibited. These zones shall be consistent with the numbered and unnumbered "A" zones as identified on the official "FIRM" when identified in the Flood Insurance Study provided by the Federal Insurance Administration.

5.18.07 Standards for Floodplain Development

1. No permit for development shall be granted for new construction, substantial improvements and other development(s) including the placement of manufactured homes within all numbered and unnumbered A zones (including AE, AO, and AH zones) unless the conditions of this Section are satisfied.
2. All areas identified as unnumbered A zones on the FIRM are subject to inundation of the base flood; however, the water surface Section 5.21.08. 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.
3. Until a floodway has been designated, no development or substantial improvement may be permitted within special flood hazard areas 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 (1) foot at any location as shown on the Flood Insurance Study.

4. New construction, subdivision proposals, substantial improvements, prefabricated buildings, placement of manufactured homes and other developments shall require:
 - A. Design or anchorage to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - B. New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination.
 - C. Construction with materials resistant to flood damage, utilizing methods and practices that minimize flood damages, and with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - D. All utility and sanitary facilities to be elevated or floodproofed up to the regulatory flood protection elevation.
5. Storage of Material and Equipment
 - A. 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.
 - B. 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.
6. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, be required to assure that all such proposals are consistent with the need to minimize flood damage, all public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated and constructed to minimize or eliminate flood damage, adequate drainage is provided so as to reduce exposure to flood hazards, and Proposals for development (including proposals for manufactured home parks and subdivision) of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals the base flood elevation.

5.21.08 Flood Fringe Overlay District – Including AO and AH Zones)

1. Permitted Uses

Any use permitted in Section 5.18.0 9 shall be permitted in the Flood Fringe Overlay District. No use shall be permitted in the district unless the standards of Section 5.18.07 are met.
2. Standards for the Flood Fringe Overlay District
 - A. Require new construction or substantial improvements of residential structures to have the lowest floor, including basement, elevated to or above one (1) foot above the base flood elevation.
 - B. Require new construction or substantial improvements of non-residential structures to have the lowest floor, including basement, elevated to or above one (1) foot above the base flood elevation or, together with attendant utility and sanitary facilities, to be floodproofed so that below that level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Building Inspector as set forth in Section 5.21.05(3)(G).
 - C. Require for all new construction and substantial improvements that fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be not higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

- D. Within AH zones adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.
- E. All manufactured homes shall be anchored to resist floatation, collapse, or lateral movement. Manufactured homes must be anchored in accordance with local building codes or FEMA guidelines. In the event that over-the-top frame ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:
 - 1) Over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations and manufactured homes less than 50 feet long requiring one additional tie per side;
 - 2) Frame ties be provided at each corner of the home with five additional ties per side at intermediate points and manufactured homes less than 50 feet long requiring four additional ties per side;
 - 3) All components of the anchoring system be capable of carrying a force of 4,800 pounds; and
 - 4) Any additions to the manufactured home be similarly anchored.
- F. Require that all manufactured homes to be placed or substantially improved within special flood hazard areas on the community's FIRM on sites:
 - 1) Outside of a manufactured home park or subdivision,
 - 2) In a new manufactured home park or subdivision,
 - 3) In an expansion to an existing manufactured home park or subdivision, or
 - 4) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood,
 - 5) be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above one (1) foot above the base flood elevation; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 5.21.08(2)(E).
- G. Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within special flood hazard areas on the community's FIRM that are not subject to the provisions of Section 5.21.08(2) (F) be elevated so that either:
 - 1) The lowest floor of the manufactured home is at or above one (1) foot above the base flood elevation, or
 - 2) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of 5.21.08 (2)(E).
- H. Recreational vehicles placed on sites within the special flood hazard areas on the community's official map shall either
 - 1) be on the site for fewer than 180 consecutive days;
 - 2) be fully licensed and ready for highway use; or
 - 3) meet the permit requirements and the elevation and anchoring requirements for "manufactured homes" of this ordinance.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions.

- I. Located within the areas of special flood hazard established in Section 5.21.04 (1) are areas designated as AO Zones. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply within AO Zones:
 - 1) All new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as one (1) foot above the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).
 - 2) All new construction and substantial improvements of non-residential structures shall:

- a. Have the lowest floor elevated above the highest adjacent grade at least as high as one (1) foot above the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or
- b. Together with attendant utility and sanitary facilities be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Such certification shall be provided to the official as set forth in Section 5.21.05(3)(G).

Adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.

5.21.09 Floodway Overlay District

1. Permitted Uses

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

- A. Agricultural uses such as general farming, pasture, nurseries, forestry.
- B. Residential uses such as lawns, gardens, parking and play areas.
- C. Non-residential areas such as loading areas, parking and airport landing strips.
- D. Public and private recreational uses such as golf courses, archery ranges, picnic grounds, parks, wildlife and nature preserves.

New structures for human habitation are prohibited. 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 occurrence of the base flood discharge. These uses are subject to the standards of Section 5.21.07 and 5.21.08. In Zone A unnumbered, obtain, review and reasonably utilize any flood elevation and floodway data available through Federal, State, or other sources or Section 5.21.07 (6)(D) of this Ordinance in meeting the standards of this Section.

5.21.10 Variance Procedures

1. The Board of Adjustment as established by City of Valley, Nebraska shall hear and decide appeals and requests for variances from the requirements of this ordinance.
2. The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Building Inspector in the enforcement or administration of this ordinance.
3. 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 Section 19-912, R.R.S. 1943.
4. In passing upon such applications, the Board of Adjustment shall consider all technical evaluation, all relevant factors, standards specified in other sections of this ordinance, and:
 - A. The danger that materials may be swept onto other lands to the injury of others;
 - B. The danger to life and property due to flooding or erosion damage;
 - C. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - D. The importance of the services provided by the proposed facility to the community;
 - E. The necessity to the facility of a waterfront location, where applicable;
 - F. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - G. The compatibility of the proposed use with existing and anticipated development;
 - H. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - I. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - J. 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,
 - K. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

5. Conditions for Variances
 - A. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (5.21.10 (5)(B)-(F) below) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
 - B. 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 a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
 - C. Variances shall not be issued within any designated floodway if any increase in flood levels along the floodway profile during the base flood discharge would result.
 - D. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - E. Variances shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - F. The applicant shall be given a written notice over the signature of a community official that (1) the issuance of a variance to construct a structure below the base flood level will result in increased premiums rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage and (2) such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions as required by this ordinance.

5.21.11 Non-Conforming Uses

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

1. If such use is discontinued for 12 consecutive months, any future use of the building premises shall conform to this ordinance. The Utility Department shall notify the Building Inspector in writing of instances of nonconforming uses where utility services have been discontinued for a period of 12 consecutive months.
2. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.
3. 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, building, or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places, provided that the alteration shall not preclude its continued designation.

5.21.12 Penalties for Violation

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 who 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 it shall be considered a separate offense.

Nothing herein contained shall prevent the City of Valley, Nebraska or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

5.21.13 Amendments

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 the National Flood Disaster Protection Act of 1973, provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of Valley. At least 15 days shall elapse between the date of this publication and the public hearing. A copy of such amendments will be provided to the Federal Emergency Management Agency. 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 1983 Nebraska Flood Plain Management Act.

5.21.14 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:

"Appeal" means a request for a review of the Building Inspector's interpretation of any provision of this ordinance or a request for a variance.

"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.

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

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

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

"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.

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters.
2. The usual and rapid accumulation of runoff of surface waters from any source.

"Flood Fringe" is that area of the floodplain, outside of the floodway, that on the average is likely to be flooded once every 100 years (i.e., 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 Flood Hazard Boundaries and the zones establishing insurance rates applicable to the community.

"Flood Insurance Study" is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

"Floodplain" means any land area susceptible to being inundated by water from any source (see definition of "flooding").

"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 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.

"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.

"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.

"Special Flood Hazard Area" 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" [for other than new construction or substantial improvements under the coastal Barrier Resources Act (Pub. L. 97-348)] includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, 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.

"Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial Improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the 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."

"Variances" is a grant of relief to a person from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

Article 6: Conditional Use Permits

Section 6.01 General Provisions

The City Council may authorize and permit a conditional use as designated in the use regulations of each district, after the following:

1. Planning Commission Public Hearing,
2. Referral by the Planning Commission; and
3. City Council Public Hearing

Approval or denial shall be based on findings that the location and characteristics of the use will not be detrimental to the health, safety, morals, and general welfare of the area.

Allowable uses may be permitted, enlarged, or altered upon application for a conditional use permit in accordance with the rules and procedures of this ordinance. The City Council may grant or deny a conditional use permit in accordance with the intent and purpose of this ordinance.

In granting a conditional use permit, the City Council may:

1. Authorize the use and
2. Shall prescribe and impose appropriate conditions, safeguards, and a specified time limit for the implementation of the identified conditional use permit.

Section 6.02 Application for Conditional Use Permit

A request for a conditional use permit or modification of a conditional use permit may be initiated by a property owner or his or her authorized agent by filing an application with the City upon forms prescribed for the purpose.

The application shall be accompanied by a drawing or site plan and other such plans and data showing the dimensions, arrangements, descriptions data, and other materials constituting a record essential to an understanding of the proposed use and proposed modifications in relation to the provisions set forth herein. A plan as to the operation and maintenance of the proposed use shall also be submitted.

The application shall be accompanied with a non-refundable fee as established by the City Council.

Section 6.03 Public Hearing

Before issuance of any conditional use permit, both the Planning Commission and City Council shall hold a Public Hearing after proper and legal notice of the time, place, and purpose of the hearing has been given by publication in a legal paper of general circulation in the City of Valley, one time at least 10 days prior to such hearing.

The City Council will consider the application for the Conditional Use Permit together with the recommendations of the Planning Commission.

Section 6.04 Decisions

A majority vote of the City Council shall be necessary to grant a Conditional Use Permit.

The applicant shall have 12 months from the approval of the Conditional Use Permit to commence the use, unless the City Council specifically grants a longer period of time upon the recommendation of the City Planning Commission. If the use stated within the Conditional Use Permit has not been commenced within 12 months, or approved time period, said Permit shall become invalid and any activity shall be required to apply for a new Conditional Use Permit.

All decisions by the City Council and the recommendations of the Planning Commission shall be required to provide findings of fact for their decision for either approval or denial.

Section 6.05 Transferability

Any approved Conditional Use Permit is automatically transferable upon sale of the property from the original applicant to another party. However, the new owner shall assume the responsibility for complying with:

1. the conditions of the granted permit,
2. The use shall not change or be expanded unless a new Conditional Use Permit is approved,
3. Failure to comply with the conditions of the permit shall subject the new owner to the revocation process of this Article.

Section 6.06 Revocation

Any approved Conditional Use Permit may be revoked for failure to comply with the conditions approved by the City Council. Revocation shall require that the City notify the applicant of any noncompliance, in writing, and provide the applicant 30 days to correct the issue(s).

Failure to comply with the notice shall cause a Public Hearing to be scheduled by the City Council, to review the permit and the approved conditions and the failure to act by the applicant. If the applicant is found to be noncompliant with the issued permit and conditions, the City Council shall revoke the permit and order the use to cease and desist.

Failure to follow a Cease and Desist order shall cause action to be filed by the City Attorney in District Court.

Revocation may also occur, if the City documents that the use has ceased operations for 12 consecutive months. The City shall notify the applicant of the revocation in writing. The permit shall become invalid within 30 days.

Section 6.07 Standards

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

1. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, moral, comfort, or general welfare of the community.
2. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the conditional use will not impede the normal and orderly development of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided.
5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
6. The use shall not include noise, which is objectionable due to volume, frequency, or beat unless muffled or otherwise controlled.
7. The use shall not involve any pollution of the air by fly-ash, dust, vapors or other substance which is harmful to health, animals, vegetation or other property or which can cause soiling, discomfort, or irritation.
8. The use shall not involve any malodorous gas or matter, which is discernible on any adjoining lot or property.
9. The use shall not involve any direct or reflected glare, which is visible from any adjoining property or from any Public Street, road, or highway.
10. The use shall not involve any activity substantially increasing the movement of traffic on public streets unless procedures are instituted to limit traffic hazards and congestion.
11. The use shall not involve any activity substantially increasing the burden on any public utilities or facilities unless provisions are made for any necessary adjustments.

Article 7: Parking Requirements

Section 7.01 Purpose

The Off-Street Parking Regulations require developments provide parking in proportion to the need created by each use. The regulations further establish standards for the functional design of parking facilities. These regulations are intended to accommodate vehicles in a functionally satisfactory manner and to minimize external effects on neighboring properties.

Section 7.02 Off-Street Automobile Storage

- 7.02.01 Off-street automobile storage or standing space shall be provided on any lot on which any of the uses or similar uses found in Section 7.03.
- 7.02.02 Off-street automobile storage or standing space shall be provided with vehicular access to a street or an alley.
- 7.02.03 For purposes of computing the number of parking spaces available in a given area, the ratio of 250 square feet per parking space shall be used.
- 7.02.04 Where calculations in accordance with the foregoing list results in requiring a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space.
- 7.02.05 All parking spaces for single-family, two-family, and multi-family dwellings, rooming and boarding houses, convalescent homes, and mobile homes shall be either paved with asphalt or concrete.
- 7.02.06 In Districts R-1, R-2, and R-3 required off-street parking for residential uses shall be provided on the lot on which the use is located.
- 7.02.07 In all other Districts, if the vehicle storage space or standing space required in section 7.03 cannot be reasonably provided on the same lot on which the principal use is conducted in the opinion of the Planning Commission and City Council, the City Council may permit such space to be provided on another off-street property, provided such space lies within 300 feet of an entrance to such principal use. Such vehicle standing space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.
- 7.02.08 Where off-street parking is located on a lot other than the lot occupied by the use, which requires it, site plan approval for both lots is required.
- 7.02.09 All parking lots shall be hard-surfaced as defined herein.
- 7.02.10 Some uses may require two different use types to be calculated together in order to determine the total parking requirement, i.e. primary schools may require one a calculation for classrooms and another for assembly areas.
- 7.02.11 The parking requirements herein do not apply to the C-2 Central Business District.
- 7.02.12 All off-street parking conditions shall meet the ADA requirements in Section 7.05 of this Ordinance.
- 7.02.13 Parking lot edges and planting islands may be defined by concrete curb and gutter and/or incorporate approved bio-filtration methods. Parking spaces shall be defined with painted striping or other approved methods.
- 7.02.14 Off-street parking shall be located to the rear and/or side of buildings, when practical. When parking or parking access must be located in the front yard, a landscaped buffer shall be provided.
- 7.02.15 Parking bays in excess of 11 spaces in length shall provide landscaping at the ends of each aisle in accordance with Section 12.04.05.
- 7.02.16 Parking bays in excess of 20 spaces in length shall be divided by intermediate landscaped islands, and provide landscaping at the ends of each aisle.
- 7.02.17 Where perpendicular parking spaces are used, the space adjacent to the closed end of an aisle shall be a minimum of 10 feet wide.
- 7.02.18 An adequate driveway throat length shall be provided to minimize traffic conflicts; the driveway throat length shall be the distance between the street and the parking lot served by a driveway. Parking spaces shall not be permitted within the driveway throat. Driveway throat lengths for commercial and industrial uses shall be determined by the City Engineer.
- 7.02.19 Parking lots which will be developed in phases require a phasing plan to identify all current and future parking lot requirements. Parking areas should be constructed incrementally to match land use build-out schedules.
- 7.02.20 Driveway design shall be as followed:
1. Driveways shall have a maximum grade of 10 percent.
 2. Driveways and curb cuts shall be located not less than three feet from the side lot lines.

3. Curb cuts for straight curbs and the flare for rolled curbs shall be three feet wider than the driveway pavement on each side.
 4. Driveways shall be constructed with widths of 32 feet or less. Widths greater than 32 feet must have approval from City Council to assure compliance with acceptable engineering and traffic design principals and standards.
 5. Driveways constructed henceforth and connecting to a paved street or avenue shall be paved with asphaltic concrete or Portland concrete from the edge of the pavement to the property line, with allowances for public sidewalks.
 6. Driveway approaches shall be at a depth of not less than six inches from street or avenue to the sidewalk edge. Driveways shall have half by six-inch expansion at the sidewalk edge.
- 7.02.21 Storage of any boat, boat trailer, camp trailer, recreational vehicle, or other vehicle shall not be permitted in any required yard; except that a boat, boat trailer, camp trailer may be placed on concrete or asphaltic concrete surfacing in a side yard or rear yard.

Section 7.03 Schedule of Minimum Off-Street Parking and Loading Requirements

Uses	Parking Requirements	Loading Requirements
Commercial and Office including but not limited to:		
Adult entertainment establishments	1 space/2 persons of licensed capacity	None required
Agricultural Sales/Service	1 space/500 s.f. of gross floor area	1 space/establishment
Auditoriums/Stadiums/Arenas	1 space/4 seats in main assembly area	None required
Automotive Car Wash	5 spaces/car wash bay	1 space/establishment
Automotive Rental/Sales	1 space/500 s.f. of gross floor area	1 space/establishment
Automotive Servicing	4 spaces/repair stall	None required
Banks and Business offices	1 space/200 sf of gross floor area up to 1000 sf; then 1 /400 sf of add. Gross floor space	1 space/establishment
Boarding Houses/Bed and Breakfasts	1 space/rental unit	None required
Body Repair	5 spaces/repair stall	None required
Bowling Alleys	4 spaces/alley plus 1 space per 2 employees	1 space/establishment
Campground	1 space/camping unit	None required
Child Care Centers	1 space/employee + 1 space or loading stall/5 persons of licensed capacity	None required
Churches, Synagogues, and Temples	1 space/3 seats in main worship area	None required
Clubs, including fraternal organizations	1 space/500 s.f. of gross floor area	None required
Commercial Recreation	1 space/2 persons of licensed capacity	1 space/establishment
Communication Services	1 space/500 s.f. of gross floor area	1 space/establishment
Construction Sales/Service	1 space/500 s.f. of gross floor area	1 space/establishment
Dance Hall, skating rink	1 space/100 square feet of floor area + 1 space/2 employees	None required
Educational Uses, Primary facilities	2 spaces/classroom	2 spaces/structure
Educational Uses, Secondary facilities	8 spaces/classroom + 1 space/employee on largest shift	2 spaces/structure
Equipment Rental/Sales	1 space/500 s.f. of gross floor area	1 Space/establishment
Food sales	1 space/200 s.f. of gross floor area	2 spaces/establishment
Funeral homes, Mortuaries and Chapels	8 spaces/reposing room	2 spaces/establishment
Furniture and Appliance Stores	1 space/800 sf of floor area	1 space/establishment
General retail sales establishments	1 space/200 s.f. of gross floor area	1 space/establishment
Guidance Services	1 space/300 s.f. of gross floor area	None required
Hospitals	1 space/2 licensed beds	3 spaces/structure
Hotels and Motels	1 space/rental unit + 1 space/each 200 s.f. of public meeting area	1 space/establishment
Libraries	1 space/400 s.f. of gross floor area + 1 space/ 2 employees	1 space/structure
Medical Clinics	5 spaces/staff doctor, dentist, chiropractor	None required
Offices not providing customer services or sales on the premises	1 space/400 s.f. of gross floor area	None required
Personal Service Establishments in Commercial Districts, including: (a) Barber and Beauty Shops. (b) Tailor and Shoe Shops. (c) Apparel and Accessory Shops.	1 space/200 sf of gross floor area.	1 space/structure
Professional Offices of Attorneys C.P.A.'s, Architects, Engineers, etc.	3 spaces/1000 sf of gross floor area. For offices less than 1000 gross s.f., the minimum requirement shall be 4 spaces.	None required
Public buildings	1 space/ 3 employee, + 1 space/100 sf used for public assembly.	1 space/establishment
Restaurants w/ drive-thru	Greater of the two: 1 space/40 s.f. of dining area, or 1 space/150 s.f. of gross floor area	1 space/establishment
Restaurants (General)	Parking equal to 30% of licensed capacity	2 spaces/establishment
Roadside stands	4 spaces/establishment	None required
Service Oriented Establishments	1 space/200 s.f. of gross floor area	1 space/establishment
Taverns, Poll and Billiard Halls	1 space/3 seats, or 3 spaces/50 s.f. of gross floor area used for assembly, whichever is greater.	None required
Veterinary Establishments	1 space/500 square feet/staff doctor	None required
Residential/Housing including but not limited to:		
Assisted-living facilities	.5 space/dwelling unit	1 space/structure
Convalescent & Nursing Home Services	1 space/4 beds + 1/employee on the largest shift	2 space/structure
Duplex	2 spaces per dwelling unit	None required
Group Care Facility	1 space/4 persons of licensed capacity	2 space/structure
Group Home	1 space/4 persons of licensed capacity	2 space/structure
Multi-family / Apartments	1.25 space/sleeping unit – spaces to be sited in the general proximity of where the sleeping units are located	None required
Mobile Home Park	2/dwelling unit	None required
Residential (Single-family, attached and detached)	2 spaces/dwelling unit (1 may be enclosed or semi-enclosed)	None required
Industrial Uses including but not limited to:		
General Manufacturing	.75 times the maximum number of employees during the largest shift	2 spaces/establishment
Manufacturing Uses, Research and Testing Laboratories, Creameries, Bottling Establishments, Bakeries, Canneries, Printing and Engraving Shops, Etc.	1 space/2 employee on maximum shift + 1 space/company vehicle.	2 spaces/establishment
Wholesaling / Distribution Operations	1 space/2 employee on the largest shift	2 spaces/establishment

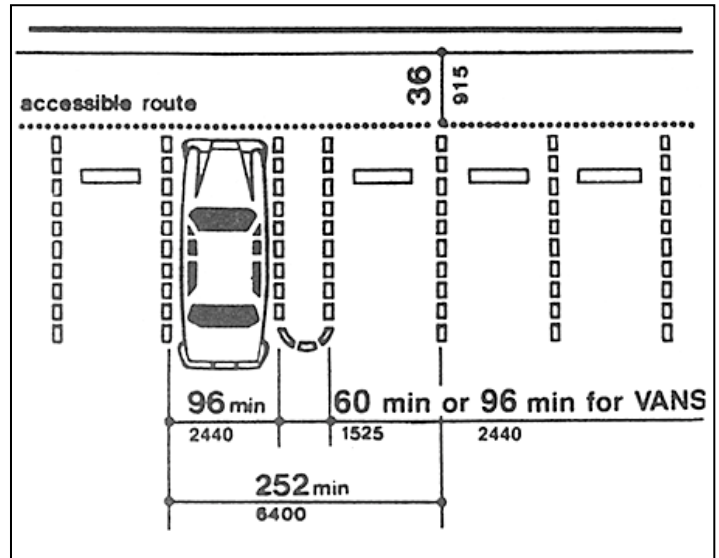
Section 7.04 Off-Street Parking: Shared Parking Requirements

7.04.01 Notwithstanding the provisions of Section 7.03, in cases where parking and building patterns are such that overlapping uses of a majority of the total number of parking spaces in a common parking lot is likely to occur, compliance with the standard parking ratios may be decreased by the Planning Commission and City Council.

Section 7.05 Off-Street Parking: Parking for Individuals with Disabilities

7.05.01 In conformance with the Americans with Disabilities Act (ADA) and the Nebraska Accessibility Guidelines, if parking spaces are provided for self-parking by employees or visitors, or both, then accessible spaces shall be provided in each parking area in conformance with the table in this section. Spaces required by the table need not be provided in the particular lot. They may be provided in a different, if equivalent or greater accessibility, in terms of distance from an accessible entrance, cost and convenience, is ensured.

Total Parking Spaces	Required Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 percent of the total
1,001 and over	20 plus 1 for each 100 over 1,000



7.05.02 Access aisles adjacent to accessible spaces shall be 60 inches wide at a minimum.

1. One in every eight accessible spaces, but not less than one, shall be served by an access aisle 96 inches wide minimum and shall be designated "van accessible" as required by Section 7.05.04 of this Ordinance. The vertical clearance at such spaces shall comply with 7.05.05 of this Ordinance. All such spaces may be grouped on one level of a parking structure.
2. Parking access aisles shall be part of an accessible route to the building or facility entrance. Two accessible parking spaces may share a common access aisle.
3. Parked vehicle overhangs shall not reduce the clear width of an accessible route.
4. Parking spaces and access aisles shall be level with slopes not exceeding two percent in all directions.
5. If passenger-loading zones are provided, then at least one passenger loading zone shall comply with 7.05.06 of this Ordinance.
6. At facilities providing medical care and other services for persons with mobility impairments, parking spaces complying with 7.05 of this Ordinance shall be provided in accordance with 7.05.01 of this Ordinance; except as follows:
 - a. Outpatient units and facilities: 10 percent of the total number of parking spaces provided serving each such outpatient unit or facility;
 - b. Units and facilities that specialize in treatment or services for persons with mobility impairments: 20 percent of the total number of parking spaces provided serving each such unit or facility.
7. Valet parking: valet parking facilities shall provide a passenger loading zone complying with 7.05.06 of this Ordinance located on an accessible route to the entrance of the facility. Sections 7.05.01, 7.05.02 (1), and 7.05.02 (3) of this Ordinance do not apply to valet parking.

Source: <http://www.ada.gov/adastd94.pdf>

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

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

7.05.04 Signage of accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility. Spaces complying with Section 7.05.02 (1) shall have an additional sign stating the stall is "Van Accessible" mounted below the symbol of accessibility. Such signs shall be located so they cannot be obscured by a vehicle parked in the space.

7.05.05 Minimum vertical clearance of 114 inches at accessible passenger loading zones and along at least one vehicle access route to such areas from site entrance(s) and exit(s). At parking spaces complying with 7.05.02 (1), provide minimum vertical clearance of 98 inches at the parking space and along at least one vehicle access route to such spaces from site entrance(s) and exit(s).

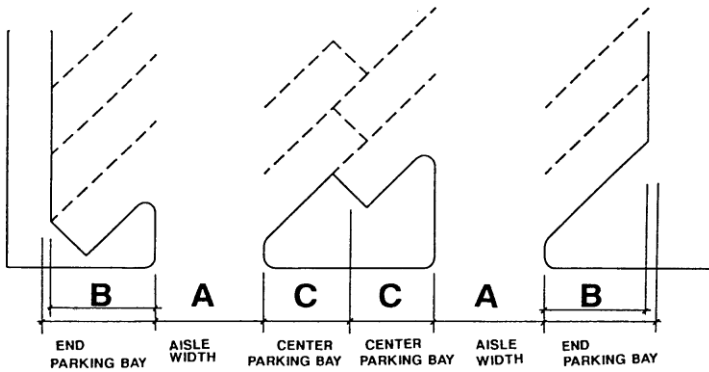
7.05.06 Passenger Loading Zones shall provide an access aisle at least 60 inches wide and 240 inches long adjacent and parallel to the vehicle pull-up space. If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp complying with accessibility standards shall be provided. Vehicle standing spaces and access aisles shall be level with surface slopes not exceeding two percent in all directions.

Section 7.06 Off-Street Parking Design Criteria

7.06.01 Standard parking stall dimensions shall not be less than 10 feet by 18 feet, plus the necessary space for maneuvering into and out of the space. Where the end of the parking space abuts a curbed area at least five feet in width (with landscaping or sidewalk), an overhang may be permitted which would reduce the length of the parking space by two feet. Such overhang shall be measured from the face of the curb. For standard parking lots, minimum dimensions shall be as follows:

Parking Configuration

	90-degree	60-degree	45-degree
Aisle Width (A)			
One-way traffic	----	18 feet	14 feet
Two-way traffic	24 feet	20 feet	20 feet
End Parking Bay Width (B)			
Without overhang	18 feet	20 feet	19 feet
With overhang	16 feet	18 feet </td <td>17 feet</td>	17 feet
Center Parking Bay Width (C)	18 feet	18 feet	16 feet



- 7.06.02 Minimum dimensions for a parallel parking space shall be nine feet by 23 feet.
- 7.06.03 Minimum parking dimensions for other configurations or for parking lots with compact car spaces shall be determined by the Planning Commission and City Council upon recommendation of the City Engineer.
- 7.06.04 Parking facilities shall be designed to provide visibility of and between pedestrians and vehicles when circulating within or entering or leaving the facility; and shall not create blind, hidden, or hazardous areas.
- 7.06.05 Circulation patterns shall be designed in accord with accepted standards of traffic engineering and safety.

7.06.06 All parking facilities shall be maintained to assure the continued usefulness and compatibility of the facility. Acceptable maintenance includes keeping the facility free of refuse, debris, and litter; maintaining parking surfaces in sound condition; and providing proper care of landscaped areas.

Section 7.07 Parking Lot Lighting

The location and design of parking lot lighting shall conform to the following:

1. All surface parking lot lighting shall be designed, installed and maintained so that no light sources shall provide illumination onto adjacent lots, buildings or streets in excess of one-foot candle;
2. All exterior lighting luminaries shall be designed and installed to shield light from the luminaire at angles above 72 degrees from vertical;
3. Fixtures mounted on a building shall not be positioned higher than the roofline of the building;
4. Wooden utility type poles are acceptable only for temporary use during construction; and
5. All electrical service lines to posts and fixtures shall be installed underground and concealed inside the posts.
6. Lighting standards shall not exceed 22 feet in height.
7. The average maintained lighting levels for multi-family units shall not exceed 10 foot-candles at buildings/parking lots/other areas within a residential district. The maximum to average ratio shall not exceed 2.5 to 1.

Article 8: Sign Regulations

Section 8.01 Compliance with Sign Regulations

All signs constructed, erected, modified or moved after the effective date of this Ordinance shall comply with the regulations herein, unless expressly exempted.

Section 8.02 Sign Definitions

The following are the definitions relating to signs within the Valley zoning jurisdiction.

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

ANIMATED SIGN shall mean any sign that uses movement or change of lighting to depict action or create a special effect or scene.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

NAMEPLATE SIGN shall mean a sign not exceeding 2 square feet for each dwelling.

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

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

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

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

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

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

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

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

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

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

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

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

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

SIGN SURFACE shall mean the entire area of a sign.











SUBDIVISION SIGN identification shall mean a sign erected on a subdivision identification lot that identifies the platted subdivision where the sign is located.

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

TEMPORARY SIGN shall mean a sign constructed of cloth, fabric, or other material with or without a structural frame intended for a limited period of display, including displays for holidays or public demonstrations. Temporary signs shall include portable signs as defined in this section.

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

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

 <p>Animated Sign</p>	 <p>Awning Sign</p>	 <p>Banner/Flag Sign</p>	 <p>Banner Sign - Temporary</p>	 <p>Blade Sign - Temporary</p>
 <p>Building Marker Sign</p>	 <p>Canopy Sign</p>	 <p>Changeable Copy Sign</p>	 <p>Commemorative Sign</p>	 <p>Double-faced Sign</p>

 <p>Electronic Message Sign</p>	 <p>Ground Monument Sign</p>	 <p>Off-Premises Sign</p>	 <p>Painted Wall Sign</p>	 <p>Parapet Sign</p>
 <p>Pole Sign</p>	 <p>Projecting Sign</p>	 <p>Traffic Information Sign</p>	 <p>Roof Sign</p>	 <p>Roof (integrated) Sign</p>
 <p>Sign Stacking</p>	 <p>Subdivision Identification</p>	 <p>Suspended Sign</p>	 <p>Wall Sign</p>	 <p>Window Sign</p>

Section 8.03 Sign Area Computation

8.03.01 *Computation of Area of Individual Signs*

The area of a sign face shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning regulations and is clearly identical to the display itself.

8.03.02 *Computation of Height*

The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the lot, parcel, or tract of land, whichever is lower. When a sign is placed on a berm, the height of the sign shall include the height of the berm above grade level at the base of the berm.

Section 8.04 Sign Schedules

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

	TA	RS	R-1	R-2	R-3	RM	C-1	C-2	C-3	I-1	I-2	I-3
Animated	-	-	-	-	-	-	+	+	+	+	+	+
Architectural Canopy	+	-	-	-	-	-	+	+	+	+	+	+
Changeable Copy	+	-	-	-	-	-	+	+	+	+	+	+
Electronic Message Board	+	-	-	-	-	-	+	+	+	+	+	+
Flashing	-	-	-	-	-	-	-	-	-	-	-	-
Freestanding	T	T	T	T	T	T	T	T	T	T	T	T
Ground	+	+	+	+	+	+	+	+	+	+	+	+
Illuminated	+	-	-	-	-	-	+	+	+	+	+	+
Incidental	+	+	+	+	+	+	+	+	+	+	+	+
Marquee	-	-	-	-	-	-	+	+	+	+	+	+
Nameplate	+	+	+	+	+	+	+	+	+	+	+	+
Off-Premises (Billboard)	-	-	-	-	-	-	-	-	-	-	-	-
On-Premises (Billboard)	+	-	-	-	-	-	+	+	+	+	+	+
Pennant	+	-	-	-	-	-	-	+	-	+	+	+
Pole	-	-	-	-	-	-	-	+	-	+	+	+
Projecting	+	-	-	-	-	-	+	+	+	+	+	+
Portable	T	T	T	T	T	T	T	T	T	T	T	T
Roof	+	-	-	-	-	-	-	+	-	+	+	+
Roof-Integrated	+	-	-	-	-	-	-	+	-	+	+	+
Subdivision	+	+	+	+	+	+	+	+	+	+	+	+
Suspended	+	-	-	-	-	-	+	+	+	+	+	+
Temporary	T	T	T	T	T	T	T	T	T	T	T	T
Wall	+	-	-	-	-	-	+	+	+	+	+	+
Window	+	-	-	-	-	-	+	+	+	+	+	+

+: permitted -: not permitted T: Temporary

8.04.02 Signs shall be permitted in the various districts at the listed square footage and heights according to the following schedule:

	TA	RS	R-1	R-2	R-3	RM	C-1	C-2	C-3	I-1	I-2	I-3
Animated	-	-	-	-	-	-	-	-	200	200	200	200
Max. Square Ft.	-	-	-	-	-	-	-	-	45	45	45	45
Max. Height Ft.	-	-	-	-	-	-	-	-	1	1	1	1
Max. Number	-	-	-	-	-	-	-	-	1	1	1	1
Architectural Canopy	250	-	-	-	-	-	-	-	250	250	250	250
Max. Square Ft.	45	-	-	-	-	-	-	-	45	45	45	45
Max. Height Ft.	17	-	-	-	-	-	-	-	17	17	17	17
Max. Number	-	-	-	-	-	-	-	-	-	-	-	-
Banner	32	-	-	-	-	-	-	-	32	32	32	32
Max. Square Ft.	NA	-	-	-	-	-	-	-	NA	NA	NA	NA
Max. Height Ft.	NA	-	-	-	-	-	-	-	NA	NA	NA	NA
Max. Number	-	-	-	-	-	-	-	-	-	-	-	-
Changeable Copy	32	-	-	-	-	-	-	-	32	32	32	32
Max. Square Ft.	NA	-	-	-	-	-	-	-	NA	NA	NA	NA
Max. Height Ft.	NA	-	-	-	-	-	-	-	NA	NA	NA	NA
Max. Number	-	-	-	-	-	-	-	-	-	-	-	-
Electronic Message Board	100	-	-	-	-	-	-	-	100	100	100	100
Max. Square Ft.	20	-	-	-	-	-	-	-	20	20	20	20
Max. Height Ft.	1	-	-	-	-	-	-	-	1	1	1	1
Max. Number	-	-	-	-	-	-	-	-	-	-	-	-
Flashing	-	-	-	-	-	-	-	-	-	-	-	-
Max. Square Ft.	-	-	-	-	-	-	-	-	-	-	-	-
Max. Height Ft.	-	-	-	-	-	-	-	-	-	-	-	-
Max. Number	-	-	-	-	-	-	-	-	-	-	-	-
Freestanding	32	32	32	32	32	32	32	32	32	32	32	32
Max. Square Ft.	4	4	4	4	4	4	4	4	4	4	4	4
Max. Height Ft.	1	1	1	1	1	1	1	1	1	1	1	1
Max. Number	-	-	-	-	-	-	-	-	-	-	-	-
Ground	50	-	-	-	-	-	-	-	32 ²	32 ²	50 ³	50 ³
Max. Square Ft.	10	-	-	-	-	-	-	-	10	10	10	10
Max. Height Ft.	1	-	-	-	-	-	-	-	1	1	1	1
Max. Number	-	-	-	-	-	-	-	-	-	-	-	-
Illuminated	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

	TA	RS	R-1	R-2	R-3	RM	C-1	C-2	C-3	I-1	I-2	I-3
Max. Square Ft.												
Max. Height Ft.												
Max. Number												
Incidental												
Max. Square Ft.	25 each	-	-	-	-	-	-	25 each	25 each	25 each	25 each	25 each
Max. Height Ft.	45	-	-	-	-	-	-	45	45	45	45	45
Max. Number	1/40*	-	-	-	-	-	-	1/40 ⁶	1/40 ⁶	1/40 ⁶	1/40 ⁶	1/40 ⁶
Marquee												
Max. Square Ft.	-	-	-	-	-	-	-	250	250	250	250	250
Max. Height Ft.	-	-	-	-	-	-	-	45	45	45	45	45
Max. Number	-	-	-	-	-	-	-	1	1	1	1	1
Nameplate												
Max. Square Ft.	2	2	2	2	2	2	2	2	2	2	2	2
Max. Height Ft.	-	-	-	-	-	-	-	-	-	-	-	-
Max. Number	1	1	1	1	1	1	1	1	1	1	1	1
Off-Premises												
Max. Square Ft.	-	-	-	-	-	-	-	-	-	-	-	-
Max. Height Ft.	-	-	-	-	-	-	-	-	-	-	-	-
Max. Number	-	-	-	-	-	-	-	-	-	-	-	-
On-Premises												
Max. Square Ft.	640	-	-	-	-	-	-	320	320	320	320	320
Max. Height Ft.	30	-	-	-	-	-	-	30	30	30	30	30
Max. Number	1	-	-	-	-	-	-	1	1	1	1	1
Pennant												
Max. Square Ft.	32	-	-	-	-	-	-	32	32	32	32	32
Max. Height Ft.	NA	-	-	-	-	-	-	NA	NA	NA	NA	NA
Max. Number	NA	-	-	-	-	-	-	NA	NA	NA	NA	NA
Pole												
Max. Square Ft.	-	-	-	-	-	-	-	100 ⁴	100 ⁴	200 ⁴	200 ⁴	200 ⁴
Max. Height Ft.	-	-	-	-	-	-	-	40	40	40	40	40
Max. Number	-	-	-	-	-	-	-	1	1	1	1	1
Projecting												
Max. Square Ft.	16	-	-	-	-	-	-	16	16	16	16	16
Max. Height Ft.	45	-	-	-	-	-	-	45	45	45	45	45
Max. Number	1	-	-	-	-	-	-	1	1	1	1	1
Portable												
Max. Square Ft.	32	32	32	32	32	32	32	32	32	32	32	32
Max. Height Ft.	4	4	4	4	4	4	4	4	4	4	4	4
Max. Number	1	1	1	1	1	1	1	1	1	1	1	1
Roof												
Max. Square Ft.⁴⁵	250	-	-	-	-	-	-	250	250	250	250	250
Max. Height Ft.	45	-	-	-	-	-	-	45	45	45	45	45
Max. Number	1	-	-	-	-	-	-	1	1	1	1	1
Roof-Integrated												
Max. Square Ft.	250	-	-	-	-	-	-	250	250	250	250	250
Max. Height Ft.	45	-	-	-	-	-	-	45	45	45	45	45
Max. Number	1	-	-	-	-	-	-	1	1	1	1	1
Subdivision												
Max. Square Ft.	500	500	500	500	500	500	500	500	500	500	500	500
Max. Height Ft.	35	35	35	35	35	35	35	35	35	35	35	35
Max. Number	1	1	1	1	1	1	1	1	1	1	1	1
Max. Lot area s.f.	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000
Suspended												
Max. Square Ft.	20	-	-	-	-	-	-	20	20	20	20	20
Max. Height Ft.	10	-	-	-	-	-	-	10	10	10	10	10
Max. Number	1	-	-	-	-	-	-	1	1	1	1	1
Temporary												
Max. Square Ft.	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Max. Height Ft.												
Max. Number												
Wall												
Max. Square Ft.	200 ¹	-	-	-	-	-	-	200 ¹	200 ¹	200 ¹	200 ¹	200 ¹
Max. Height Ft.	15	-	-	-	-	-	-	45	45	45	45	45
Max. Number	1	-	-	-	-	-	-	1	1	1	1	1
Window												
Max. Square Ft.	200 ¹	-	-	-	-	-	-	200 ¹	200 ¹	200 ¹	200 ¹	200 ¹
Max. Height Ft.	15	-	-	-	-	-	-	15	15	15	15	15
Max. Number	1	-	-	-	-	-	-	1	1	1	1	1

1 Wall/Window signs shall not exceed 10 percent of the total wall area or the number indicated whichever is greater.

2 Ground signs may be increased from 32 square feet in area to 50 square feet in area when all uses/storefronts within a development are included on one sign as opposed to each having an individual ground sign for every use/storefront.

3 Ground signs may be increased from 50 square feet in area to 75 square feet in area when all uses/storefronts within a development are included on one sign as opposed to each having an individual ground sign for every use/storefront.

4 Pole signs may be increased from 100 square feet in area to 150 square feet in area when all uses/storefronts within a development are included on one sign as opposed to each having an individual pole sign for every use/storefront.

5 Pole signs may be increased from 200 square feet in area to 300 square feet in area when all uses/storefronts within a development are included on one sign as opposed to each having an individual pole sign for every use/storefront.

6 One Incidental sign per 40 lineal feet of storefront

⁷ One Canopy per window – canopy shall meet all minimum height requirements for accessibility.
NA = Not Applicable – Refer to specific structural sign types

8.04.03 A building or use having frontage on a second street may install a sign on the second street side no greater in size than 20 percent of the total allowed on one facade.

Section 8.05 Signs, Special Conditions

8.05.02 *Billboard Signs.* Billboards, signboards, and other similar advertising signs shall be subject to the same height and location requirements as other structures in the district and shall also be subject to the following conditions and restrictions.

1. No billboard, signboard, or similar advertising signs shall be located at intersections so as to obstruct vision, hearing, or interfere with pedestrian or vehicular safety.
2. No billboard, signboard, or similar advertising signs shall be located within 50 feet of any lot in a residential district.
3. No billboard, signboard, or similar advertising signs shall be so constructed or located where it will unreasonably interfere with the use and enjoyment of adjoining property.

8.05.03 *Stand-alone ATM's may have the following:*

1. One wall sign on each exterior wall provided each wall sign does not exceed 10 percent of the applicable exterior wall and the total shall not exceed 40 square feet in size.
2. Where a canopy is integrated into the ATM, a canopy sign may be placed on each face of the ATM, provided the overall height of the canopy and sign do not exceed 24 inches. In addition, the overall size of all canopy signs shall not exceed 40 square feet.
3. Directional signage shall be contained on the ATM, painted within a drive lane or in any curbing defining a drive lane.
4. All signs are subject to the required permitting process of these Regulations.
5. Said signage may be incorporated with lighting plan and backlit in order to provide for greater security on the premises.

8.05.04 *Coffee Kiosks and other Kiosks may have the following:*

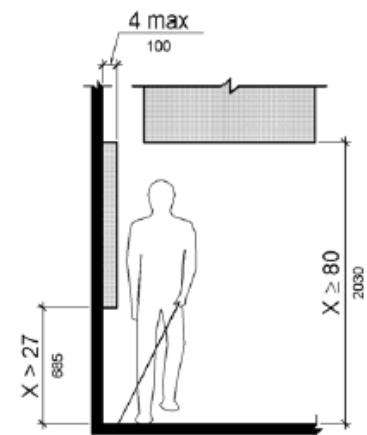
1. One wall sign on each exterior wall not used for drive-up service, provided each wall sign does not exceed 10 percent of the applicable exterior wall and the total shall not exceed 40 square feet in size.
2. Where a canopy is integrated into the Coffee Kiosks/Kiosks, a canopy sign may be placed on each face of the Coffee Kiosk/Kiosks, provided the overall height of the canopy and sign do not exceed 24 inches. In addition, the overall size of all canopy signs shall not exceed 40 square feet.
3. Directional signage shall be contained on the Coffee Kiosk/Kiosk, painted within a drive lane or in any curbing defining a drive lane
4. Window signs limited to menu boards and daily specials shall not require a sign permit.
5. All signs are subject to the required permitting process of these Regulations, unless otherwise noted.

8.05.05 Signs protruding from the façade, into the right-of-way or hung from canopies, as well as awnings shall maintain 80 inches of clear space, as measured from the bottom edge of the sign to the grade below.

8.05.06 *Temporary Signs*

Temporary signs for which a permit has been issued shall be issued only for signs meeting the following criteria:

1. Temporary signs may be for a continual period. Said temporary signs shall not be in place for more than four days prior to the event and shall be removed within 36 hours of the conclusion of said event.
2. Temporary signs may be allowed in a manner where they are put in place during certain periods of time (set up in the morning and taken down in the evening) without a specific end date to the permit and these signs may advertise an off-premises business and/or organization.



Limits of Protruding Objects
Source: <https://www.ada.gov>

8.05.07 Emergency Signs (Permitted)

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

8.05.08 Other Signs Forfeited

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

8.05.09 Signs Exempt from Regulation Under this Ordinance

The following signs shall be exempt from regulation under this ordinance, except no sign in this provision shall create an obstruction to vision, as per Section 4.08 of this Ordinance and/or a collision hazard to the public:

- Any public notice or warning required by a valid and applicable federal, state, or local law, regulation or ordinance;
- Any religious symbol;
- Construction signs when equal to six square feet or less;
- Any sign identifying a public facility or public/civic event;
- Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three feet beyond the lot line of the zone lot or parcel on which such sign is located
- Holiday lights and decorations with no commercial message;
- Traffic control signs on private property, such as Stop, Yield, and similar signs, the face of which meets the Manual on Uniform Traffic Control Devices standards and which contain no commercial message of any sort; and

8.05.10 Signs Prohibited Under These Regulations

All signs not expressly permitted in these regulations or exempt from regulation hereunder in accordance with the previous section are prohibited in the City. Such signs include, but are not limited to:

1. Beacons;
2. Roof signs;
3. Suspended signs;
4. Strings of lights not permanently mounted to a rigid background, except those exempt under the previous section; and
5. Audible Signs

Article 9: Supplemental Regulations

Section 9.01 Home Occupations and Home-Based Businesses in Residential Districts

9.01.01 Intent:

A home occupation or home-based business shall be permitted when said occupation or business is conducted on residentially used and/or zoned property and is considered customary, traditional, and incidental to the primary use of the premises as a residence, and shall not be construed as a business.

9.01.02 Permitted home occupations:

1. Workrooms for dressmaking, millinery, sewing, weaving, tailoring, ironing, washing, jewelry making, custom home furnishings work.
2. Offices for professionals such as, but not limited to, attorneys, architects, engineers, planners, real estate agents, insurance, notary public, manufacturer's representative, clergy, journalists, painters, photographers, dentists, doctors, draftspersons, insurance agents, accountants, editors, publishers, psychologists, contract management, graphic design, construction contractors, landscape design, surveyors, cleaning services, salespersons, and travel agents.
3. Child Nurseries or Child Care
4. Personal services, including Barber and Beauty Shops (limited to one chair), manicure and pedicure shops, pet grooming, catering, and chauffeuring services.
5. Instructional services, including music, dance, art and craft classes and tutoring.
6. Repair services, including watch and clock, small appliances, computers, electronic devices, lawnmowers including engines (limited to garage areas).
7. Distribution and sales of products such as cosmetics, home/health care products, mail order, and other similar uses.
8. Offices for services provided outside the home such as lawn care, snow removal, and other similar uses.
9. Kennels, stables, veterinarian clinics/hospitals.

9.01.03 Prohibited home occupations:

1. Medical and dental clinics, hospitals.
2. Restaurants, clubs, drinking establishments.
3. Motor vehicle / small engine repair.

9.01.04 Performance Standards for Home Occupations:

1. The primary use of the structure or dwelling unit shall remain residential and the operator of the home occupation shall remain a resident in the dwelling unit.
2. The operator conducting the home occupation shall be the sole entrepreneur, and the operator shall not employ any other person other than a member of the immediate family residing on the premises.
3. No structural additions, enlargements, or exterior alterations changing the residential appearance to a business appearance shall be permitted.
4. No more than 50 percent of the floor area of any one story of the dwelling unit shall be devoted to such home occupation.
5. Such home occupations shall be conducted entirely within the primary building or dwelling unit used as a residence.
6. Additional and/or separate entrance(s) that do not match the residential structural design shall not be constructed for the purpose of conducting the home occupation or home based business.
7. Additional off-street parking or loading facilities, including additional driveway construction, other than the requirements for the permitted residence, shall be permitted.
8. The display of goods and/or external evidence of the home occupation shall not be permitted, except for one non-animated, non-illuminated, non-flashing announcement plate, indicating not more than the name and address of the resident. Said plate shall be attached flat against the wall of the residence and shall not exceed two sq. ft. in total surface area.
9. No retail sales are permitted from the site other than incidental sales related to services provided.
10. No offensive noise, vibration, smoke, odor, heat, or glare shall be noticeable at or beyond the property line.

11. No electrical or mechanical equipment shall interfere with local radio communications and television reception, or cause fluctuation in line voltage off the premises.
12. All businesses related to Child Care Homes and Child Care Centers shall be in accordance with Nebraska State Statutes.

9.01.05 Permitted home based businesses:

1. Workrooms for custom home furnishings work, carpentry work, and furniture repair.
2. Offices for professionals such as, but not limited to, attorneys, architects, engineers, planners, real estate agents, insurance, notary public, manufacturer's representative, clergy, journalists, painters, photographers, draftspersons, insurance agents, accountants, editors, publishers, psychologists, contract management, graphic design, construction contractors, landscape design, surveyors, cleaning services, salespersons, and travel agents.
3. Personal services, including Barber and Beauty Shops (limited to two chairs), manicure and pedicure shops, pet grooming, catering, and chauffeuring services.
4. Repair services, including watch and clock, small appliances, computers, electronic devices, lawnmowers including engines (limited to garage areas).
5. Distribution and sales of products such as cosmetics, home/health care products, mail order, and other similar uses.
6. Offices for services provided outside the home such as lawn care, snow removal, and other similar uses.
7. Child Nurseries or Child Care

9.01.06 Prohibited home based businesses:

1. Medical and dental clinics, hospitals.
2. Restaurants, clubs, drinking establishments.
3. Motor vehicle / small engine repair.

9.01.07 Performance Standards for Home Based Businesses:

1. The primary use of the structure or dwelling unit shall remain residential and the operator of the home-based business shall remain a resident in the dwelling unit.
2. The operator conducting the home-based business shall be the sole entrepreneur. However, the operator may employ immediate family members residing on the premises, as well as, an additional two unrelated individuals for purposes of conducting business.
3. Structural additions, enlargements, or exterior alterations may be completed in order to provide space for the home-based business. Any alterations and additions are limited to a one-time expansion and shall be limited to 50 percent of the floor area of the main floor at the time of application. All alterations and additions shall meet all building and zoning criteria of Valley.
4. No more than 50 percent of the floor area of any one story of the dwelling unit shall be devoted to such home based business.
5. Such home based business shall be conducted entirely within the primary building or dwelling unit used as a residence. Home based businesses may also be located with an existing Accessory Building.
6. Home based businesses conducted within an Accessory Building shall be confined to the structure of the said Accessory Building. In addition, the applicant must prove that the Accessory Building meets all Life Safety Codes including electrical compliance for a commercial business.
7. All alterations and additions shall be completed in a manner that matches the existing structure and shall have a residential appearance to the exterior. All separate entrance(s) shall be discrete and match the residential design.
8. Additional off-street parking or loading facilities, beyond the parking provided for the residence, shall be provided and shall meet the following standards:
 - a. Two additional spaces for the unrelated employees;
 - b. Two additional spaces to be used for client/visitor parking;
 - c. The additional parking required in items (a) and (b) shall not be provided in any required Front, Side or Rear Yard setback;
 - d. All additional parking and loading spaces shall be screened using landscaping materials and opaque privacy fencing not more than six feet in height;
 - e. Applicant shall not relocate parking for the residence into any Front, Side or Rear Yard Setback in order to provide the additional parking.

- f. All new off-street parking is encouraged to be toward the rear yard portion of the property and screened from view from the street.
9. The display of goods and/or external evidence of the home based business shall not be permitted, except for one non-animated, non-illuminated, non-flashing announcement plate, indicating not more than the name and address of the resident. Said plate shall be attached flat against the wall of the residence and shall not exceed two sq. ft. in total surface area.
10. No retail sales are permitted from the site other than incidental sales related to services provided.
11. No offensive noise, vibration, smoke, odor, heat, or glare shall be noticeable at or beyond the property line.
12. No electrical or mechanical equipment shall interfere with local radio communications and television reception, or cause fluctuation in line voltage off the premises.
13. All businesses related to Child Care Homes and Child Care Centers shall be in accordance with Nebraska State Statutes.

9.01.08 Revocation:

1. Conditions. A home occupation and home-based business permit granted in accordance with the provisions of this section may be terminated if the Building Inspector makes any of the following findings:
 - a. That any condition of the home occupation or home-based business permit has been violated;
 - b. That the use has become detrimental to the public health or safety or is deemed to constitute a nuisance;
 - c. That the permit was obtained by misrepresentation or fraud;
 - d. That the use for which the permit was granted has ceased or has been suspended for six consecutive months or more; and
 - e. That the condition of the premises, or the district of which it is a part, has changed so that the use may no longer be justified under the purpose and intent of this section.
2. Appeal. Within five working days of a revocation, an appeal may be made to the Valley Board of Adjustment. The Building Inspector within ten working days of the receipt of an appeal of his or her revocation shall report his or her findings of fact and decision to the Valley Board of Adjustment. The Valley Board of Adjustment shall determine the facts and may revoke, modify or allow to remain unchanged the home occupation or home-based business permit in accordance with the Board's final determination.
3. Nontransferable. A home occupation or home-based business permit granted in accordance with the provisions of this article shall not be transferred, assigned, nor used by any person other than the permittee, nor shall such permit authorize such home occupation at any location other than the one for which the permit is granted.

Section 9.02 Home Occupations and Home-Based Businesses within the TA-1 Districts

9.02.01 Intent:

A home occupation or home-based business shall be permitted when said occupation or business is conducted on agriculturally used and/or zoned property and is considered customary, traditional, and incidental to the primary use of the premises as a residence, and shall not be construed as a business.

9.02.02 Permitted home occupations:

1. Workrooms for dressmaking, millinery, sewing, weaving, tailoring, ironing, washing, jewelry making, custom home furnishings work, carpentry work, and furniture repair.
2. Offices for professionals such as, but not limited to, attorneys, architects, engineers, planners, real estate agents, insurance, notary public, manufacturer's representative, clergy, journalists, painters, photographers, dentists, doctors, draftspersons, insurance agents, accountants, editors, publishers, psychologists, contract management, graphic design, construction contractor services, landscape design, surveyors, cleaning services, salespersons, and travel agents.
3. Child Nurseries or Child Care.
4. Personal services, including Barber and Beauty Shops (limited to one chair), manicure and pedicure shops, pet grooming, catering, and chauffeuring services.
5. Instructional services, including music, dance, art and craft classes and tutoring.

6. Repair services, including watch and clock, small appliances, computers, electronic devices, lawnmowers including engines, and motor vehicles (limited to no more than two at one time).
7. Offices and shops in association to one another, including motorized and non-motorized racing vehicles, construction services with equipment storage and maintenance, monument sales and engraving, freight hauling with equipment storage and maintenance (not including warehousing of freight), aerial spraying with equipment storage and maintenance, welding, and excavating services with equipment storage and maintenance.
8. Warehousing and storage of products associated with agri-businesses, including seed sales, fertilizer sales (as allowed by state and federal regulations), and herbicide and pesticide sales (as allowed by state and federal regulations).
9. Distribution and sales of products such as cosmetics, home/health care products, mail order, and other similar uses.
10. Offices for services provided outside the home such as lawn care, snow removal, and other similar uses.

9.02.03 Prohibited home occupations:

1. Medical clinics and hospitals.
2. Restaurants, clubs, drinking establishments.
3. Undertaking and funeral parlors.

9.02.04 Performance Standards for Home Occupations:

1. The primary use of the structure or dwelling unit shall remain residential and the operator of the home occupation shall remain a resident in the dwelling unit.
2. The operator conducting the home occupation shall be the sole entrepreneur, and the operator shall not employ any other person other than a member of the immediate family residing on the premises.
3. No structural additions, enlargements, or exterior alterations changing the residential appearance to a business appearance shall be permitted.
4. No more than 25 percent of the floor area of any one story of the dwelling unit shall be devoted to such home occupation when contained within the principal structure.
5. Home occupations may be located within an accessory structure including machine sheds, barns, and garages. Said accessory structure shall be required to meet all pertinent State codes for Life Safety including electrical wiring depending upon the nature of the business.
6. When a home occupation is located in an accessory structure there shall not be any additional storage allowed in the open. All storage shall be contained within appropriate facilities and out of site.
7. Home occupations focused on repairs and maintenance of vehicles and motors shall not be allowed to storage damaged, unlicensed, salvaged, vehicles or parts on site and outside the structure where said home occupations are taking place.
8. When storage of chemicals associated with agricultural businesses are stored on site, the storage shall comply with all state and Federal regulations and shall be kept in a place that is secured, dry and locked from general access.
9. Additional and/or separate entrance(s) that do not match the residential structural design shall not be constructed for the purpose of conducting the home occupation or home based business.
10. Additional off-street parking or loading facilities, including additional driveway construction, other than the requirements for the permitted residence, shall be permitted.
11. The display of goods and/or external evidence of the home occupation shall not be permitted, except for one non-animated, non-illuminated, non-flashing announcement plate, indicating not more than the name and address of the resident. Said plate shall be attached flat against the wall of the residence and shall not exceed two sq. ft. in total surface area.
12. No offensive noise, vibration, smoke, odor, heat, or glare shall be noticeable at or beyond the property line.
13. No electrical or mechanical equipment shall interfere with local radio communications and television reception, or cause fluctuation in line voltage off the premises.
14. All businesses related to Child Care Homes and Child Care Centers shall be in accordance with Nebraska State Statutes.

9.02.05 Permitted home based businesses:

1. Workrooms for dressmaking, millinery, sewing, weaving, tailoring, ironing, washing, jewelry making, custom home furnishings work, carpentry work, and furniture repair.
2. Offices for professionals such as, but not limited to, attorneys, architects, engineers, planners, real estate agents, insurance, notary public, manufacturer's representative, clergy, journalists, painters, photographers, dentists, doctors, draftspersons, insurance agents, accountants, editors, publishers, psychologists, contract management, graphic design, construction contractor services, landscape design, surveyors, cleaning services, salespersons, and travel agents.
3. Child Nurseries or Child Care.
4. Personal services, including Barber and Beauty Shops (limited to one chair), manicure and pedicure shops, pet grooming, catering, and chauffeuring services.
5. Instructional services, including music, dance, art and craft classes and tutoring.
6. Repair services, including watch and clock, small appliances, computers, electronic devices, lawnmowers including engines, and motor vehicles (limited to no more than two at one time).
7. Offices and shops in association to one another, including motorized and non-motorized racing vehicles, construction services with equipment storage and maintenance, monument sales and engraving, freight hauling with equipment storage and maintenance (not including warehousing of freight), aerial spraying with equipment storage and maintenance, welding, and excavating services with equipment storage and maintenance.
8. Warehousing and storage of products associated with agri-businesses, including seed sales, fertilizer sales (as allowed by state and federal regulations), and herbicide and pesticide sales (as allowed by state and federal regulations).
9. Distribution and sales of products such as cosmetics, home/health care products, mail order, and other similar uses.
10. Offices for services provided outside the home such as lawn care, snow removal, and other similar uses.
11. Kennels, stables, veterinarian clinics/hospitals.

9.02.06 Prohibited home based businesses:

1. Medical clinics and hospitals.
2. Restaurants, clubs, drinking establishments.
3. Undertaking and funeral parlors.

9.02.07 Performance Standards for Home Based Businesses:

1. The primary use of the structure or dwelling unit shall remain residential and the operator of the home-based business shall remain a resident in the dwelling unit.
2. The operator conducting the home-based business shall be the sole entrepreneur. However, the operator may employ immediate family members residing on the premises, as well as, an additional two unrelated individuals for purposes of conducting business.
3. Structural additions, enlargements, or exterior alterations may be completed in order to provide space for the home-based business. Any alterations and additions are limited to a one-time expansion and shall be limited to 25 percent of the floor area of the main floor at the time of application. All alterations and additions shall meet all building and zoning criteria of Valley.
4. No more than 25 percent of the floor area of any one story of the dwelling unit shall be devoted to such home based business when contained within the principal structure.
5. Home based businesses may be located within an accessory structure including machine sheds, barns, and garages. Said accessory structure shall be required to meet all pertinent State codes for Life Safety including electrical wiring depending upon the nature of the business.
6. When a home-based business is located in an accessory structure there shall not be any additional storage allowed in the open. All storage shall be contained within appropriate facilities and out of site.
7. Home based businesses focused on repairs and maintenance of vehicles and motors shall not be allowed to store damaged, unlicensed, salvaged, vehicles or parts on site and outside the structure where said home based business is taking place.
8. When storage of chemicals associated with agricultural businesses are stored on site, the storage shall comply with all state and Federal regulations and shall be kept in a place that is secured, dry and locked from general access.

9. All alterations and additions shall be completed in a manner that matches the existing structure and shall have a residential appearance to the exterior. All separate entrance(s) shall be discrete and match the residential design.
10. Additional off-street parking or loading facilities, beyond the parking provided for the residence, shall be provided and shall meet the following standards:
 - a. Two additional spaces for the unrelated employees;
 - b. Two additional spaces to be used for client/visitor parking;
 - c. The additional parking required in items (a) and (b) shall not be provided in any required Front, Side or Rear Yard setback;
 - d. All additional parking and loading spaces shall be screened using landscaping materials and opaque privacy fencing not more than six feet in height;
 - e. Applicant shall not relocate parking for the residence into any Front, Side or Rear Yard Setback in order to provide the additional parking.
 - f. All new off-street parking is encouraged to be toward the rear yard portion of the property and screened from view from the street.
11. The display of goods and/or external evidence of the home-based business shall not be permitted, except for one non-animated, non-illuminated, non-flashing announcement plate, indicating not more than the name and address of the resident. Said plate shall be attached flat against the wall of the residence and shall not exceed two sq. ft. in total surface area.
12. No offensive noise, vibration, smoke, odor, heat, or glare shall be noticeable at or beyond the property line.
13. No electrical or mechanical equipment shall interfere with local radio communications and television reception, or cause fluctuation in line voltage off the premises.
14. All businesses related to Child Care Homes and Child Care Centers shall be in accordance with Nebraska State Statutes.

9.02.08 Revocation:

1. Conditions. A home occupation and home-based business permit granted in accordance with the provisions of this section may be terminated if the Building Inspector makes any of the following findings:
 - a. That any condition of the home occupation or home-based business permit has been violated;
 - b. That the use has become detrimental to the public health or safety or is deemed to constitute a nuisance;
 - c. That the permit was obtained by misrepresentation or fraud;
 - d. That the use for which the permit was granted has ceased or has been suspended for six consecutive months or more; and
 - e. That the condition of the premises, or the district of which it is a part, has changed so that the use may no longer be justified under the purpose and intent of this section.
2. Appeal. Within five working days of a revocation, an appeal may be made to the Valley Board of Adjustment. The Building Inspector within ten working days of the receipt of an appeal of his or her revocation actions, shall report his or her findings of fact and decision to the Valley Board of Adjustment. The Valley Board of Adjustment shall determine the facts and may revoke, modify or allow to remain unchanged the home occupation or home-based business permit in accordance with the Board's final determination.
3. Nontransferable. A home occupation or home-based business permit granted in accordance with the provisions of this article shall not be transferred, assigned, nor used by any person other than the permittee, nor shall such permit authorize such home occupation at any location other than the one for which the permit is granted.

Section 9.03 Radio, Television and Wireless Communication Towers

8.03.01 Intent:

Based upon the Communications Act of 1934, as amended by the Telecommunications Act of 1996 and the Spectrum Act of 2012 (the Act) grants the Federal Communications Commission (FCC) exclusive jurisdiction over certain aspects of telecommunication services. This section is intended to regulate towers, telecommunications facilities and antennas in the City in conformance with the Act without prohibiting or tending to prohibit any person from providing wireless telecommunication service. Telecommunication facilities, towers and antennas in the City, to protect residential areas and land uses from potential adverse

impact of installation of towers and antennas through careful design, siting, and camouflaging, to promote and encourage shared use/collocation of towers and other antenna support structures rather than the construction of additional single use towers, to avoid potential damage to property caused by towers, telecommunications facilities and antennas by ensuring such structures are soundly and carefully designed, constructed, modified, maintained, repaired and removed when no longer used or are determined to be structurally unsound and to ensure that towers and antennas are compatible with surrounding land uses.

9.03.02 Definitions:

All terms in this Section which are not specifically defined herein shall be construed in accordance with the Communications Act of 1934, the Telecommunications Act of 1996, the Spectrum Act of 2012 and the Rules and Regulations of the Federal Communications Commission (FCC). As used in this Section, the following terms shall have the following meanings:

Base Station shall mean a structure that supports or houses an antenna, transceiver, or other associated equipment that constitutes part of a base station at the time of the application is filed.

Broadcasting Tower shall mean a structure for the transmission or broadcast of radio, television, radar, microwaves or other electromagnetic frequencies which exceeds the maximum height permitted in the district in which it is located; provided, however, that noncommercial towers not exceeding 50 feet in height shall not be considered broadcast towers.

Collocation shall mean the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

Conforming commercial earth station shall mean a satellite dish which is two meters or less in diameter and is located in an area where commercial or industrial uses are generally permitted under this regulation.

Eligible facilities request is defined as any request for modification of an existing wireless tower or base station that involves (a) collocation of new transmission equipment; (b) removal of transmission equipment; or (c) replacement of transmission equipment.

In Writing refers to the means in which an applicant for a telecommunications tower is notified. The "in writing" clause has been defined to include the minutes of the governing body's proceedings including findings of fact.

Owner shall mean any person with a fee simple title or a leasehold exceeding ten years in duration to any tract of land within the zoning jurisdiction of the County who desires to develop, construct, modify, or operate a tower upon such tract of land.

Replacement shall mean the removal and upgrade of transmission equipment and not the structure on which it is located.

Specific and absolute timeframe this refers to the timeframe allowed for processing a telecommunication application under Section 6409 (a) of the Spectrum Act of 2012.

Stealth: Any telecommunications facility, tower, or antenna which is designed to enhance compatibility with adjacent land uses, including, but not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and towers designed to look other than a tower, such as light poles, power poles and trees.

Telecommunications Facilities shall mean any cables, wires, lines, wave guides, antennas, or any other equipment or facilities associated with the transmission or reception of communications which a person seeks to locate or has installed upon or near a tower or antenna support structure. However, telecommunications facilities shall not include: a. Any Conforming Commercial Earth Station antenna two meters or less in diameter; b. Any earth station antenna or satellite dish antenna of one meter or less in diameter.

Tower shall mean any structure built for the sole or primary purpose of supporting any Commission-licensed or authorized antennas and their associated facilities.

Tower owner shall mean any person with an ownership interest of any nature in a proposed or existing tower.

Transmission Equipment: any equipment that facilitates transmission for any Commission-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas and other relevant equipment associated with and necessary to their operation, including coaxial or fiber-optic cable, and regular and backup power supply.

9.03.03 Tower Construction Standards:

Listed below are tower construction standards.

1. Towers shall be permitted conditional uses of land in only those zoning districts where specifically listed and authorized in this regulation.
2. No person shall develop, construct, modify or operate a tower upon any tract of land within the zoning jurisdiction of the City prior to approval of its application for a Conditional Use Permit by the City Council and issuance of the permit by the City.
3. All towers, telecommunications facilities and antennas on which construction has commenced within the zoning jurisdiction of the City after the effective date of this regulation shall conform to the Building Codes and all other construction standards set forth by the City, County, federal, and state law and applicable American National Standards Institute (ANSI). Upon completion of construction of a tower and prior to the commencement of use, an engineer's certification that the tower is structurally sound and in conformance with all the aforementioned applicable regulatory standards shall be filed with the Building Inspector.

9.03.04 Application to Develop a Tower:

1. Prior to commencement of development or construction of a tower, an application shall be submitted to the Building Inspector for a Conditional Use Permit and shall include the following:
 - A. Name, address, and telephone number of the owner and if applicable, the lessee of the tract of land upon which the tower is to be located. Applicants shall include the owner of the tract of land and all persons having an ownership interest in the proposed tower. The application shall be executed by all applicants.
 - B. The legal description and address of the tract of land on which the tower is to be located.
 - C. The names, addresses and telephone numbers of all owners of other towers or useable antenna support structures within a one-mile radius of the proposed tower, including publicly and privately owned towers and structures.
 - D. An affidavit attesting to the fact that the applicant has made diligent but unsuccessful efforts to obtain permission to install or collocate the applicants' telecommunications facilities on a tower or useable antenna support or written technical evidence from an engineer that the applicants' telecommunications facilities cannot be installed or collocated on another tower or useable antenna support structure.
 - E. Written technical evidence from an engineer that the proposed tower will meet the established Building Code, and all other applicable construction standards set forth by the City Council and federal and state and ANSI standards.
 - F. Color photo simulations showing the proposed location of the tower with a photo-realistic representation of the proposed tower as it would appear viewed from the nearest residentially used and / or zoned property and nearest roadway, street or highway.
 - G. Descriptions and diagrams of the proposed tower, telecommunications facilities and/or antenna, manufacturers literature, appurtenances such as buildings, driveways, parking areas, and fences or other security enclosures with significant detail to allow persons reviewing the application to understand the kind and nature of the proposed facility.
 - H. The application, based upon the specific and absolute timeframe established by the FCC, shall be processed and decided within 60 days of the application becoming completed. However, the 60 day application processing period may be extended only:
 - i. By mutual agreement between the City of Valley and the applicant, or
 - ii. By Valley's determination that the application is incomplete.
 1. If the City of Valley deems the application to be incomplete, the City shall notify the applicant of the incompleteness within 30 days of the initial filing.

2. The City shall clearly and specifically delineate in writing the missing information
 3. The clock shall resume when the information is provided, but may be stopped again if the City of Valley notifies the applicant within 10 days that the application remains incomplete.
 4. The City shall not request new information beyond what is already required.
- iii. If the application is not acted upon within 60 days, the application shall be deemed to be approved by the governing body.

9.03.05 Setbacks and Separation or Buffer Requirements

Listed below are setbacks and separation requirements for towers and exception to height restrictions of towers.

1. All towers up to 50 feet in height shall be setback on all sides a distance equal to the underlying setback requirement in the applicable zoning district. Towers in excess of 50 feet in height shall be set back one additional foot for each foot of tower height in excess of 50 feet. The height of the tower shall be measured from the grade at the foot of the base pad to the top of any telecommunications facilities or antennas attached thereto. Setback requirements shall be measured from the base of the tower to the property line of the tract of land on which it is located.
2. Freestanding and guyed towers shall be located so that the distance from the base of the tower to any adjoining property line or the supporting structure of a separate neighboring tower is a minimum of 100 percent of the tower height. The Planning Commission and City Council may reduce the setback with a conditional use permit if it determines that such reduction does not constitute a hazard to safety or property on adjacent properties or rights-of-way.
3. Towers exceeding 100 feet in height may not be located in any residentially zoned district and must be separated from all residentially zoned districts and occupied structures other than those utilized by the tower owner, by a minimum of 200 feet or 100 percent of the height of the proposed tower, whichever is greater.
4. Towers of 100 feet or less in height may be located in residentially zoned districts provided said tower is separated from any residential structure, school, church, and/or occupied structures other than those utilized by the tower owner, by a minimum of one hundred percent (100%) of the height of the tower.
5. Towers must meet the following minimum separation requirements from other towers:
 - A. Monopole tower structures shall be separated from all other towers, whether monopole, self-supporting lattice, or guyed by a minimum of 750 feet.
 - B. Self-supporting lattice or guyed towers shall be separated from all other self-supporting lattice or guyed towers by a minimum of 1,500 feet.
6. As part of its conditional use approval process, the Planning Commission and City Council may, after public notice and hearing, permit the tower to exceed the height restrictions otherwise allowable in the district.

9.03.06 Structural Standards for Towers Adopted:

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

9.03.07 Illumination and Security Fences:

1. Towers shall not be artificially lighted except as required by the FAA. Any tower subject to this Section that is required to be lit under FAA requirements and using a strobe light shall be equipped with dual mode lighting. In no case, shall said tower be allowed to operate a strobe lighting system after sunset and before dawn.
2. All self-supporting lattice or guyed towers shall be enclosed within a security fence or other structure designed to preclude unauthorized access. Monopole towers shall be designed and constructed in a manner which will preclude to the extent practical, unauthorized climbing of said structure.

9.03.08 Exterior Finish:

Towers not requiring FAA painting or marking shall have an exterior finish which enhances compatibility with adjacent land uses, subject to review and approval by the Planning Commission and City Council as part of the application approval process. All towers that must be approved as a conditional use shall be stealth

design unless stealth features are impractical or the cost of such features represents an undue burden on the applicant.

9.03.09 Landscaping:

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

9.03.10 Prohibitions

According to the FCC, "[A] state or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station."

9.03.11 Substantial Change

The City of Valley may only require an amended conditional use permit for changes/modifications on a telecommunication tower/system that are defined by the FCC as substantial.

1. Substantial Change shall mean any of the following:

- A. Towers outside the public right-of-way, a "substantial change"
 - increases the height of the tower by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater, or
 - Protrudes from the edge of the tower more than 20 feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater.
- B. Towers in the right-of-way, and all base stations, a "substantial change"
 - increases the height of the tower or base station by more than 10% or 10 feet, whichever is greater, or
 - protrudes from the edge of the structure more than 6 feet
- C. All Towers and base stations, a substantial change:
 - involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets;
 - entails any excavation or deployment outside the current site of the tower or base station;
 - defeats the existing concealment elements of the tower or base station; or
 - does not comply with conditions associated with the prior approval of construction or modification of the tower or base station unless the non-compliance is due to any of the "substantial change" thresholds identified above.

2. Changes in Height

- A. Changes in height are to be measured from the original support structure in cases where the deployments are or will be separated horizontally.
- B. In other circumstances, changes in height are to be measured from the dimensions of the original tower or base station and all originally approved appurtenances, and any modifications approved prior to the passage of the Spectrum Act.
- C. Note, the changes are measured cumulatively; otherwise a series of small changes could add up to a cumulative change that exceeds the "substantial change" threshold.

9.03.12 Inspections

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

9.03.13 Maintenance

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

9.03.14 Abandonment

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

9.03.15 Approval Denial Procedures for Tower Development Permit

1. Any decision to deny an application to place, construct or modify a wireless facility must be "in writing" and supported by substantial evidence contained in a written record.
2. The regulation of placement, construction, and modification of personal wireless services facilities by the City of Valley shall not unreasonably discriminate among providers of functionally equivalent services;
3. The regulation of the placement, construction, and modification of personal wireless service facilities by the City of Valley shall not prohibit or have the effect of prohibiting the provision of personal wireless services;
4. The City of Valley shall not regulate the placement, construction, or modification of personal wireless service facilities on the basis of environmental effects of radio frequency emissions to the extent that such emissions comply with FCC regulations;

Section 9.04 Fences

9.04.01 No fence shall be constructed within the zoning jurisdiction of the City of Valley unless a permit is approved and issued by the Building Inspector and is constructed in conformance with the following requirements:

1. Unless otherwise provided, no fence shall be built on any lot or tract outside the surveyed lot lines, or adjacent to any municipal property, excluding public streets.
2. No solid fence permitted or required by this regulation shall be built within a triangle formed by the adjacent side lines of two intersecting streets and a line connecting points 40 feet on each leg from their point of intersection; or otherwise in any manner create a traffic hazard or obstruction to visibility.
3. The finished surfaces of any fence shall face toward adjacent properties and street frontage.
4. Fences constructed within residential districts or on land used for residential purposes are subject to the following provisions.
 - a. The maximum height of a fence within a required front yard setback shall be 42 inches not exceeding 50 percent closed construction, or 48 inches not exceeding 25 percent closed construction, unless otherwise permitted.
 - b. The maximum height for any fence outside of a required front yard shall be six feet four inches.
 - c. On corner lots, a fence built parallel to the street side yard line but set back in conformance with the required street yard setback may have a maximum height of six feet.
 - d. On a corner lot, the fence on the non-address side may be setback five feet from property line but shall not extend in front of rear of the primary structure.
 - e. Fences shall be constructed of wood, metal chain-link, PVC/ resin, stone or masonry materials only. Wood fences shall utilize standard pre-treated building lumber only or be finished.

- f. Privacy fences located in the rear of the property (behind principal structure) may be constructed in a closed manner.
5. Where it is demonstrated that for security purposes the perimeter fencing around a plant or building located in an area zoned as an Industrial District must be higher than six feet in height may be approved by a Conditional Use Permit.
6. Fences constructed along and parallel to a lot lines separating a residential lot from property located in a Commercial or Industrial District shall not exceed eight feet in height.
7. Fences constructed along and parallel to rear and side lot lines adjoining arterial streets, as designated by the Nebraska Department of Roads, shall not exceed eight feet in height.

9.04.02 No fence or vegetation shall be situated or constructed in such a way as to obstruct the vehicular traffic or otherwise create a traffic safety hazard.

9.04.03 The use of barbed wire in the construction of any fence is prohibited except:

1. Perimeter security fencing of buildings constructed in an Industrial District. The plans and specifications for any such fencing must be approved by the City before commencement of construction.
2. Farm fencing constructed for agricultural purposes on parcels of land 10 acres or more in size, located in the TA District.

9.04.04 All fences shall be maintained in good repair.

9.04.05 *Electric Fences.* No electric fence, except for underground invisible fence for animal control, shall be constructed or maintained within the City of Valley or within its extraterritorial zoning jurisdiction except in TA District as hereinafter provided. An owner or lessee of such property may, upon application to the City and approval by the Building Inspector, maintain electrified fencing provided same shall not be energized to the extent that it is capable of causing bodily harm to persons, be they children or adults, or to animals. Before the Building Inspector shall approve any electrified fencing, it shall be determined that non-electrified fencing will not adequately protect the owner's property and the owner's application for approval of electrified fencing shall set forth in detail the reasons why non-electrified fencing will not adequately protect his property.

Section 9.05 Performance Standards for Industrial Uses

9.05.01 Physical Appearance: All operations shall be carried on within an enclosed building except that new materials or equipment in operable condition may be stored in the open. Normal daily wastes of an inorganic nature may be stored in containers not in a building when such containers are not readily visible from a street. The provisions of this paragraph shall not be construed to prohibit the display of merchandise or vehicles for sale or the storage of vehicles, boats, farm machinery, trailers, mobile homes, or similar equipment when in operable condition.

9.05.02 Fire hazard: No operation shall involve the use of highly flammable gasses, acid, liquids, grinding processes, or other inherent fire hazards. This provision shall not be construed to prohibit the use of normal heating fuels, motor fuels and welding gasses when handled in accordance with other regulations of the City of Valley.

9.05.03 Noise: No operation shall be carried on which involves noise in excess of the normal traffic noise of the adjacent street at the time of the daily peak hour of traffic volume. Noise shall be measured at the property line and when the level of such noise cannot be determined by observation with the natural senses, a suitable instrument may be used, and measurement may include breakdowns into a reasonable number of frequency ranges.

9.05.04 Sewage and Liquid Wastes: No operation shall be carried on which involves the discharge into a sewer, water course, or the ground, liquid waste of any radioactive or poisonous nature or chemical waste which are detrimental to normal sewage plant operation or corrosive and damaging to sewer pipes and installations.

9.05.05 Air Contaminants:

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

9.05.06 Maximum Permitted Sound Levels Adjacent to Residential Zoning Districts

The Table below displays the maximum permitted sound levels that may be generated by uses in the I-1, I-2 or I-3 zoning districts where adjacent to residential zoning districts. All measurements shall be taken at or within the boundary between the originating district and the adjacent residential zoning district with a sound level meter meeting ANSI specification for a Type II or better general purpose sound level meter. The A-weighted response shall be used.

Maximum Permitted Sound Levels at Residential Boundaries

Originating Zoning District	Time	Maximum One Hour Leq* (dbA)
I-1	7:00 a.m. - 10:00 p.m.	65
	10:00 p.m. - 7:00 a.m.	55
I-2	7:00 a.m. - 10:00 p.m.	65
	10:00 p.m. - 7:00 a.m.	55
I-3	7:00 a.m. - 10:00 p.m.	65
	10:00 p.m. - 7:00 a.m.	55

* Leq is the constant sound level that, in a given situation and time period, conveys the same sound energy as the actual time-varying A-weighted sound. It is the average sound level and accurately portrays the sound the human ear actually hears.

Section 9.06 Small Wind Energy Systems

9.06.01 Purpose

It is the purpose of this regulation to promote the safe, effective and efficient use of small wind energy systems installed to reduce the on-site consumption of utility supplied electricity.

9.06.02 Definitions

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

Small Wind Energy System shall mean a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kW and which is intended to primarily reduce on-site consumption of utility power.

Tower Height shall mean the height above grade of the first fixed portion of the tower, excluding the wind turbine itself.

9.06.03 Requirements

Small wind energy systems shall be permitted as an Accessory Use within any district where the use is listed and allowed. Certain requirements as set forth below shall be met:

1. Tower Height
 - A. For property sizes between ½ acre and one acre the tower height shall be limited to 80 feet.
 - B. For property sizes of one acre or more, there is no limitation on tower height, except as imposed by FAA regulations.
2. Setbacks
 - A. No part of the wind system structure, including guy-wire anchors, may extend closer than 10 feet to the property lines of the installation site.
3. Noise
 - A. Small wind energy systems shall not exceed 60 dBA, as measured at the closet neighboring inhabited dwelling unit.
 - B. The noise level may be exceeded during short term events such as utility outages and/or severe wind storms.
4. Approved Wind Turbines
 - A. Small wind turbines must have been approved under the Emerging Technologies program of the California Energy Commission or any other small wind certification program recognized by the American Wind Energy Association.
5. Compliance with Building and Zoning Codes
 - A. Applications for small wind energy systems shall be accomplished by standard drawings of the wind turbine structure, including the tower base, and footings.
 - B. An engineering analysis of the tower showing compliance with official building code of the governing body and/or the State of Nebraska and certified by a licensed professional engineer shall also be submitted.
 - C. The manufacturer frequently supplies this analysis.
 - D. Wet stamps shall not be required.
6. Compliance with FAA Regulations
 - A. Small wind energy systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.
7. Compliance with National Electrical Code
 - A. Permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code.
 - B. The manufacturer frequently supplies this analysis.
8. Utility Notification
 - A. No small wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator.
 - B. Off-grid systems shall be exempt from this requirement.

9. Setbacks

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

Wind Turbine – Non Commercial WECS	
Property Lines	One times the total height
Neighboring Dwelling Units	One times the total height
Road Rights-of-Way*	One times the tower height.
Other Rights-of-Way	One times the tower height.
Wildlife Management Areas and State Recreational Areas	NA
Wetlands, USFW Types III, IV, and V	NA
Other structures adjacent to the applicant's sites	NA
Other existing WECS not owned by the applicant.	NA
River Bluffs	

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

Section 9.07 Commercial/Utility Grade Wind Energy Systems

9.07.01 Purpose

It is the purpose of this regulation to promote the safe, effective and efficient use of commercial/utility grade wind energy systems within the zoning jurisdiction of the City of Valley.

9.07.02 Definitions

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

Aggregate Project shall mean projects that are developed and operated in a coordinated fashion, but which have multiple entities separately owning one or more of the individual WECS within the larger project. Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity but are also part of the aggregated project.

Commercial WECS shall mean a wind energy conversion system of equal to or greater than 100 kW in total name plate generating capacity.

Fall Zone shall mean the area, defined as the furthest distance from the tower base, in which a guyed tower will collapse in the event of a structural failure. This area is less than the total height of the structure.

Feeder Line shall mean any power line that carries electrical power from one or more wind turbines or individual transformers associated with individual wind turbines to the point of interconnection with the electric power grid, in the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substation serving the wind energy conversion system.

Meteorological Tower shall mean, for purposes of this regulation, a tower which is erected primarily to measure wind speed and directions plus other data relevant to siting a Wind Energy Conversion System. Meteorological towers do not include towers and equipment used by airports, the Nebraska Department of Roads, or other applications to monitor weather conditions.

Micro-Wind Energy Conversion System shall mean a Wind Energy Conversion System of 1 kW nameplate generating capacity or less and utilizing supporting towers of 40 feet or less.

Public Conservation lands shall mean land owned in fee title by State or Federal agencies and managed specifically for conservation purposes, including but not limited to State Wildlife Management Areas, State Parks, federal Wildlife Refuges and Waterfowl Production Areas. For purposes of this regulation, public conservation lands will also include lands owned in fee title by non-profit conservation organizations, Public conservation lands will also include private lands upon which conservation easements have been sold to public agencies or non-profit conservation organizations.

Rotor Diameter shall mean the diameter of the circle described by the moving rotor blades.

Small Wind Energy System shall mean a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kW and which is intended to primarily reduce on-site consumption of utility power.

Substations shall mean any electrical facility to convert electricity produced by wind turbines to a voltage greater than 35,000 (35,000 KV) for interconnection with high voltage transmission lines.

Total Height shall mean the highest point, above ground level, reached by a rotor tip or any other part of the Wind Energy Conversion System.

Tower shall mean the vertical structures that support the electrical, rotor blades, or meteorological equipment.

Tower Height shall mean the total height of the Wind Energy Conversion System exclusive of the rotor blades.

Transmission Line shall mean the electrical power lines that carry voltages of at least 69,000 volts (69 KV) and are primarily used to carry electric energy over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers.

Wind Energy Conservation System shall mean an electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to: power lines, transformers, substations and meteorological towers that operate by converting the kinetic energy of wind into electrical energy. The energy may be used on-site or distributed into the electrical grid.

Wind Turbines shall mean any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy using airfoils or similar devices to capture the wind.

9.07.03 Requirements

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

1. The name(s) of project applicant.
2. The name of the project owner.
3. The legal description and address of the project.
4. A description of the project of the project including: Number, type, name plate generating capacity, tower height, rotor diameter, and total height of all wind turbines and means of interconnecting with the electrical grid.
5. Site layout, including the location of property lines, wind turbines, electrical grid, and all related accessory structures. This site layout shall include distances and be drawn to scale.
6. Engineer's certification.
7. Documentation of land ownership or legal control of the property.
8. The latitude and longitude of individual wind turbines.
9. A USGS topographical map, or map with similar data, of the property and surrounding area, including any other Wind Energy Conversion System, within 10 rotor distances of the proposed Wind Energy Conversion System.
10. Location of wetlands, scenic, and natural areas (including bluffs) within 1,320 feet of the proposed Wind Energy Conversion System.
11. An Acoustical Analysis
12. FAA permit
13. Location of all known Communication Towers within two miles of the proposed Wind Energy Conversion System.
14. Decommissioning Plan
15. Description of potential impacts on nearby Wind Energy Conversion Systems and wind resources on adjacent properties.

9.07.04 Aggregated Projects

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

9.07.05 Setbacks

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

	Wind Turbine – Commercial/Utility WECS	Meteorological Towers
Property Lines	1.1 times the total height.	The greater of: The fall zone, as certified by a professional engineer, + 10 foot or 1.1 times the total height.
Neighboring Dwelling Units*	2,000 feet	The greater of: The fall zone, as certified by a professional engineer, + 10 foot or 1.1 times the total height.
Road Rights-of-Way**	1.1 times the height.	The greater of: The fall zone, as certified by a professional engineer, + 10 foot or one times the total height.
Other Rights-of-Way	The greater of: The fall zone, as certified by a professional engineer, + 10 foot or 1.1 times the total height.	The greater of: The fall zone, as certified by a professional engineer, + 10 foot or one times the total height.
Public conservation lands	1,000 feet	600 feet
Wetlands, USFW Types III, IV, and V	600 feet	600 feet
Other structures	The greater of: The fall zone, as certified by a professional engineer, + 10 foot or 1.1 times the total height.	The greater of: The fall zone, as certified by a professional engineer, + 10 foot or one times the total height.
Other existing WECS	To be considered based on: <ul style="list-style-type: none"> • Relative size of the existing and proposed WECS • Alignment of the WECS relative to the predominant winds • Topography • Extent of wake interference impacts on existing WECS • Property line setback of existing WECS • Other setbacks required Waived for internal setbacks in multiple turbine projects including aggregated projects	

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

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

9.07.06 Special Safety and Design Standards

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

1. No WECS shall be allowed to be constructed within any Airport Approach Hazard or Turning Area.
2. Clearance of rotor blades or airfoils must maintain a minimum of 12 feet of clearance between their lowest point and the ground.
3. All Commercial/Utility WECS shall have a sign or signs posted on the tower, transformer and substation, warning of high voltage. Other signs shall be posted on the turbine with emergency contact information.
4. All wind turbines, which are a part of a commercial/utility WECS, shall be installed with a tubular, monopole type tower.
5. Consideration shall be given to painted aviation warnings on all towers less than 200 feet.
6. Color and finish:
All wind turbines and towers that are part of a commercial/utility WECS shall be white, grey, or another non-obtrusive color. Blades may be black in order to facilitate deicing. Finishes shall be matte or non-reflective.
7. Lighting:
Lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by the FAA permits and regulations. Red strobe lights shall be used during nighttime illumination to reduce impacts on neighboring uses and migratory birds. Red pulsating incandescent lights should be avoided.
8. Other signage:
All other signage shall comply with the sign regulations found in these regulations.
9. Feeder Lines:
All communications and feeder lines, equal to or less than 34.5 kV in capacity, installed as part of a WECS shall be buried, where feasible. Feeder lines installed as part of a WECS shall not be considered an essential service.
10. Waste Disposal:
Solid and Hazardous wastes, including but not limited to crates, packaging materials, damaged or worn parts, as well as used oils and lubricants, shall be removed from the site promptly and disposed of in accordance with all applicable local, state and federal regulations.

11. Discontinuation and Decommissioning:

A WECS shall be considered a discontinued use after one year without energy production, unless a plan is developed and submitted to the Building Inspector outlining the steps and schedule for returning the WECS to service. All WECS and accessory facilities shall be removed to ground level within 90 days of the discontinuation of use.

Each Commercial/Utility WECS shall have a Decommissioning plan outlining the anticipated means and cost of removing WECS at the end of their serviceable life or upon being discontinued use. The cost estimates shall be made by a competent party; such as a Professional Engineer, a contractor capable of decommissioning or a person with suitable expertise or experience with decommissioning. The plan shall also identify the financial resources that will be available to pay for decommissioning and removal of the WECS and accessory facilities.

12. Noise:

No Commercial/Utility WECS shall exceed 50 dBA at the nearest structure or use.

13. Interference:

The applicant shall minimize or mitigate interference with electromagnetic communications, such as radio, telephone, microwaves, or television signals caused by any WECS. The applicant shall notify all communication tower operators within five miles of the proposed WECS location upon application to the city/county for permits.

14. Roads:

Applicants shall:

- a. Identify all county, municipal or township roads to be used for the purpose of transporting WECS, substation parts, cement, and/or equipment for construction, operation or maintenance of the WECS and obtain applicable weight and size permits from the impacted jurisdictions prior to construction.
- b. Conduct a pre-construction survey, in coordination with the appropriate jurisdictions to determine existing road conditions. The survey shall include photographs and a written agreement to document the condition of the public facility.
- c. Be responsible for restoring or paying damages as agreed to by the applicable jurisdiction sufficient to restore the road(s) and bridges to preconstruction conditions.

15. Drainage System:

The applicant shall be responsible for immediate repair of damage to public drainage systems stemming from construction, operation or maintenance of the WECS.

Section 9.08 Junk Yards or Salvage Yards

Junk Yards and salvage of materials may be allowed in identified districts; provided the following minimum conditions are met (additional conditions may be required depending upon the operation and the proposed location):

1. Construction and operation shall comply with the Valley Municipal Code and any other applicable codes or requirements.
2. Receiving areas for junk or salvage material shall be designed to avoid the depositing of junk or salvage material outside a building or outside screened (solid fence) storage areas.
3. Junk yards and salvage of materials shall contain a minimum of two acres and shall not be located within a designated 100-year floodplain area as identified by the Corps of Engineers.
4. Junk or salvage material kept outside a building or buildings shall not be located closer than 500 feet from any designated State or Federal highway. Or locally designated Expressway, Major Arterial, and Other Arterial as per the State of Nebraska Department of Roads or subsequent successor agency.
5. Junk material kept outside a building or buildings shall not be located in the required front yard.
6. Junk or salvage material kept outside a building or buildings shall be at least 100 feet from the boundaries of the I-1, I-2, or I-3 zoning district and shall be at least 500 feet from the any residential district or use.
7. All motor vehicles shall have all fluids drained prior to placement within the facility.
8. The fence or wall shall be uniform in height, texture, and color, and shall be so maintained by the proprietor as to ensure maximum safety to the public, obscure the junk from normal view of the neighborhood.
9. The fence or wall shall be installed in such a manner as to retain all scrap, junk or other material within the yard. No scrap, junk or other salvaged materials may be piled or stacked so to exceed the height of the enclosing fence or wall.

Section 9.09 Biofuels and Distillation Facilities

The following conditions shall be met when locating a biofuels facility within the zoning jurisdiction of Valley. The standards are intended to protect the health, safety, and general welfare of the residents of Valley and the surrounding region.

1. Access to the facility shall be paved and connect to a hard-surfaced street/road classified as an arterial.
2. If access is onto a county road or City street, the applicant must provide evidence that the paving of such highway, road or street is sufficient to carry, without damage to the roadway, the weight and size of the loads of grain and liquid and any by-product entering or leaving the facility by truck.
3. If the road or street is not capable of carrying the weight and size of the loads, then the applicant shall be required to make any necessary upgrades to the paving in order for the pavement to handle the size and weight of the loads.
4. The applicant shall be required to construct and acquire right-of-way for all turning lanes and signals necessary to handle the increase in truck traffic.
5. The facility if located adjacent to a railroad line shall have sufficient area to provide for sidings for loading and unloading raw or finished product. The sidings shall be constructed at the applicant's expense.
6. The facility shall not be located in an area where winds and other climatic events disperse odor, steam, smoke and other discharges into the corporate limits of the City of Valley.
7. The facility shall not be located in an area where topography impairs the dispersal of steam, smoke, or other discharges from the facility.
8. Water supply wells for the facility shall not be located within the 20-year time of travel of any municipal well.
9. The facility shall be designed to recycle, in a manner compliant with all City and state rules and regulations, a minimum of 75 percent of the water used by the facility including water used for distillation.
10. All fuel storage tanks shall be located in a manner that will not allow for contamination of any groundwater or surface water.
11. Total equipment height limited to the requirements of the zoning district.
12. All fuel storage tanks shall be within an impermeable containment levy system.
13. Site plan review required.
14. Lighting must be compliant with all applicable regulations.
15. Noise produced by facility must comply with noise ordinance regulations.

Section 9.10 Solar Panels

No solar panel shall be constructed within the residential zoning jurisdiction of the City of Valley unless a Building Permit is approved and issued by the Building Inspector and is constructed in conformance with the state building codes and the following requirements. For those devices that include electrical, plumbing and heating constructions, the applicable permits shall also be obtained. Solar panels shall meet the following requirements.

9.10.01 Lot and Height Requirements:

Solar panels shall conform to the required front, side and rear lot setback requirements except as provided herein:

1. A solar panel which is attached to an integral part of the principal building may project two feet into the front yard; six feet into the rear yard; and two feet into the side yard.
2. A solar panel which is freestanding may be located only in the required rear yard provided it does not exceed six feet in height and is located not less than five feet from the rear lot line and not closer than one foot to any existing easement as measured from the closest point of the structure including its foundation and anchorage's, nor shall the solar panel be located in the required side yard or front yard.

9.10.02 Structural Requirements:

The physical structure and connections to existing structures shall conform to the applicable state building codes.

9.10.03 Plot Plan:

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

9.10.04 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, may continue to be utilized so long as it is maintained in operational condition.

Section 9.11 Self-Storage Units (Mini-Warehouses)

1. Minimum lot size of the Self-Storage facility shall be two acres.
2. Activities within the facility shall be limited to the rental of storage cubicles and the administration and maintenance of the facility.
3. All driveways, parking, loading and vehicle circulation areas shall be surfaced with concrete or asphalt, asphaltic concrete. All driveways within the facility shall provide a hard surface with a minimum width of 25 feet.
4. All storage must be within enclosed buildings and shall not include the storage of hazardous materials.
5. No storage may open into the front yards.
6. The total area covered by buildings shall not exceed 50 percent of the site.
7. The storage of hazardous, toxic, or explosive substances, including, but not limited to, hazardous waste, industrial solid waste, medical waste, municipal solid waste, septage, or used oil.
8. Facilities must maintain landscape buffer yards of 50 feet adjacent to any public Right-of-Way and 20 feet adjacent to other property lines, unless greater setbacks are required, a total of 35 percent of all yards shall be landscaped.
9. Site development shall include provisions for stormwater management in accordance with the Regulations of the City of Valley
10. Height limitations shall require a maximum height of 20 feet for any structure in the facility.
11. The perimeter of each facility shall be fully enclosed by fencing or screen walls. Perimeter fencing shall be provided at a minimum of six feet and maximum of eight feet in height, of material approved by the Building Inspector. Fencing shall be constructed behind required buffer yards.

Section 9.12 Auto Repair, Equipment Repair, and Body Repair

1. Where permitted in commercial districts, all repair activities must take place within a completely enclosed building. Outdoor storage is permitted only where incidental to Auto Repair and Body Repair, provided that such storage is completely screened so as not to be visible from residential areas or public rights-of-ways.
2. Any spray painting must take place within structures designed for that purpose and approved by the Building Inspector.

Section 9.13 Automobile and Equipment Rental and Sales

1. All outdoor display areas for rental and sales facilities shall be hard surfaced.
2. Body repair services are permitted as an accessory use to automobile rental and sales facilities, provided that such repair services shall not exceed 25% of the gross floor area of the building.

Section 9.14 Bed and Breakfasts

9.14.01 Bed and Breakfasts shall meet the following requirements:

1. Maintain a residential exterior appearance
2. Rooms may not be rented for more than seven consecutive days and no more than 14 days per person in any 30-day period.
3. Breakfast must be served on premises and included within the room charge for guest of the facility and shall be the only meal provided.

Section 9.15 Salvage Services

1. Screening:
 - A. The perimeter of each new facility shall be fully enclosed by opaque, freestanding fencing or screen walls. Minimum height of this enclosure shall be eight feet. Any such enclosure shall be constructed behind required landscaped bufferyards.

- B. Each existing salvage services facility shall be screened from public right-of-way as provided above within one year of the effective date of this Ordinance.
 2. Storage of materials within any salvage services facility may not be higher than the height of the surrounding screen fence or wall.
 3. No Salvage Services use may be established within 500 feet of the nearest property line of a residential zoning district or of any pre-established civic use, or within 1,000 feet of the nearest property line of an R-1, R-2, or R-M District.
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Section 9.16 Outdoor Storage Containers

1. Outdoor Storage Containers are subject to the regulations outlined for Accessory Buildings in Article 4, except as provided below:
 - A. Outdoor storage containers within each district shall be limited to two containers per business.
 - B. Containers shall be located to the rear 50 percent of the site.
 - 1) Containers shall not be located in any required setback or yard area, required landscape area, required drive aisle, driveway, or parking area.
 - 2) Containers shall not encroach upon spaces necessary to satisfy the minimum parking requirement, nor shall they block, impede, or divert traffic in or access to emergency, snow removal, and circulation and fire lanes.
 - 3) Containers shall not be stacked upon one another and shall be located an appropriate distance from all structures, in accordance with the Fire Code.
 2. Storage containers should not be visible from an adjoining property or from a public or private street. Storage containers not so located may be placed on a site if the containers are adequately screened and buffered.
 - A. Screening shall be provided so that the outdoor storage container is not visible or is buffered from surrounding properties or public or private streets or the container shall be architecturally compatible with the primary buildings and the nature of the business.
 - B. Enhanced fencing, landscaping, buffering and/or architectural treatments shall be required for visible containers.
 - C. Buffering may include the use of decorative design features including painting, murals, etc.
 3. The exterior of the storage containers shall be kept free of rust, holes, dents, or other corrosion and shall be painted or otherwise maintains such that they are consistent with the character of adjacent buildings, and secured at all times.
 4. At no time, shall an outdoor storage container be used as a place of business or residence, nor shall a container house, store, or contain goods, products, or materials other than those that are accessory and essential to daily on-site use and operation of the principal building or business requesting the special use permit.
 5. Exemptions The temporary use of construction trailers or containers at a building site is exempt from this requirement.
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Section 9.17 Sand and Gravel, Mineral, Stone, Rock, and Soil Extraction and Quarries

It shall be unlawful for any owner or owners or property to extract, mine, quarry, or remove soil for commercial purposes without the proper permits except soil donated for use by a municipality, county, or state for public roadway purposes.

1. When soil is sold, removed, and transported to be used for public roadway purposes, it shall be the responsibility of the property owner to meet the following conditions:
 - A. The application shall include a grading map showing contours, proposed extraction contours, and proposed final grade contours;
 - B. The applicant shall identify the effect of the extraction on the groundwater table of the adjoining properties;
 - C. Erosion controls, including retention and sediment basins shall be provided during extraction to prevent a change in the character of runoff onto adjacent land;
 - D. The application shall identify proposed vehicle and equipment storage areas;
 - E. The surface shall be maintained in such a manner that surface waters do not collect or pond, unless specifically approved. Underground drainage may be supplied if it connects to an existing facility;
 - F. Topsoil shall be collected and stored for redistribution on the site at termination of the operation;
 - G. Excavation shall be conducted in such a way as not to constitute a hazard to any persons, nor to the adjoining property. All cuts shall be returned to a slope of less than 3:1 as soon as possible. Safety

screening shall be required at the outer boundary of the site; visual screening will also be required where said boundary is adjacent to residential or recreational land;

- H. Within one year after completion of the excavation on any portion of the site, the topography and soils shall be stabilized, and the land shall be graded, seeded, and sodded so as to prevent erosion and siltation, and to protect the health, safety, and general welfare of the public;
 - I. The owner of the property shall obtain adequate insurance to cover any of the damages, which may occur as a result of this operation and shall assume all liability for any damages. A copy of such insurance or other proof of such insurance shall be submitted to the Building Inspector's office prior to issuing a Conditional Use Permit;
 - J. To assure that all of these conditions are met by the owner, a bond contingent on the size of the operation, removal, or extraction may be required to be posted with the City and County.
2. Exceptions
- A. Sections 9.17 (1) (A-J) do not apply to removals, extractions, and operations that remove less than 100 cubic yards from a given location.
 - B. Sections 9.17 (1) (A-J) do not apply to owners who donate soil to a municipality, county, or state. Further, this section does not apply to sand and gravel quarries, or the commercial removal of soil not used for road purposes.

Section 9.18 Mobile Food Units

Mobile Food Units are allowed in specific zoning districts; however, these uses shall be required to abide by the following requirements:

1. All units shall be located on vacant lots except in the C-1 Downtown Commercial District where on-street parking may be permitted. On-street parking shall only be allowed during times of operation.
2. All units shall only operate during hours identified on the temporary permit. In no case shall a unit be open for more than one hour after the legal closing time of local bars.
3. All refuse shall be transported off-site unless an agreement with the property owner is submitted to the City identifying an alternate.
4. All units shall not be allowed to use intense lights in order to attract customers.
5. During non-operation hours, these units shall be stored on a vacant lot or in an enclosed structure.

Section 9.19 Amateur Radio Towers and FCC Pronouncements

1. Radio towers, antennas and other appurtenances operated by licensed amateur radio operators, where permitted and when, may not exceed 75 feet in height. This height has been determined by the City to reasonably accommodate amateur service communications, and further represents the minimum practicable regulation to accomplish legitimate municipal land use regulation purpose, as recognized under published guidelines of the Federal Communications Commission.
2. Special instances may require that amateur radio tower heights exceed 75 feet to achieve effective and reliable communications. In such cases, the City Council may grant a Conditional Use Permit to a licensed amateur radio operator for a specific tower height that exceeds 75 feet. In determining whether to grant such permission, the City Council shall consider the federal guidelines contained in PRB-1 (Amateur Radio Preemption, 101 FCC 2d (1985); codified at C.F.R. Section 97.15(e).
3. Such radio towers shall not be located within any front yard of the primary use.

Section 9.20 Roadside Stands

1. A roadside stand is a facility used on a temporary or seasonal basis for the retail sale of produce grown largely on adjacent or surrounding agricultural lands.
2. A roadside stand may be located within a required front yard but no closer than 40 feet to the edge of a traveled roadway.
3. A roadside stand may operate for a maximum of 180 days in any one year.

Section 9.21 Adult Entertainment Establishments

9.21.01 Purpose; Findings and Rationale

1. *Purpose.* It is the purpose of this resolution to regulate adult establishments in order to promote the health, safety, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of adult establishments within the City. The provisions of this resolution have neither the purpose nor effect of imposing a limitation or restriction on the content or

reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this resolution to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this resolution to condone or legitimize the distribution of obscene material.

2. *Findings and Rationale.* Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the City Council, and on findings, interpretations, and narrowing constructions incorporated in the cases of *City of Littleton v. Z.J. Gifts D-4, L.L.C.*, 541 U.S. 774 (2004); *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *City of Erie v. Pap's A.M.*, 529 U.S. 277 (2000); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 427 U.S. 50 (1976); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *California v. LaRue*, 409 U.S. 109 (1972); *N.Y. State Liquor Authority v. Bellanca*, 452 U.S. 714 (1981); *Sewell v. Georgia*, 435 U.S. 982 (1978); *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215 (1990); *City of Dallas v. Stanglin*, 490 U.S. 19 (1989); and

Farkas v. Miller, 151 F.3d 900 (8th Cir. 1998); *Jakes, Ltd. v. City of Coates*, 284 F.3d 884 (8th Cir. 2002); *BZAPS, Inc. v. City of Mankato*, 268 F.3d 603 (8th Cir. 2001); *SOB, Inc. v. County of Benton*, 317 F.3d 856 (8th Cir. 2003); *Scope Pictures v. City of Kansas City*, 140 F.3d 1201 (8th Cir. 1998); *ILQ Invs. v. City of Rochester*, 25 F.3d 1413 (8th Cir. 1994); *City of Lincoln v. ABC Books, Inc.*, 470 N.W.2d 760 (Neb. 1991); *Xiong v. City of Moorhead*, 2009 WL 322217 (D. Minn. Feb. 2, 2009); *Entm't Prods., Inc. v. Shelby County*, 721 F.3d 729 (6th Cir. 2013); *Lund v. City of Fall River*, 714 F.3d 65 (1st Cir. 2013); *Imaginary Images, Inc. v. Evans*, 612 F.3d 736 (4th Cir. 2010); *LLEH, Inc. v. Wichita County*, 289 F.3d 358 (5th Cir. 2002); *Ocello v. Koster*, 354 S.W.3d 187 (Mo. 2011); *84 Video/Newsstand, Inc. v. Sartini*, 2011 WL 3904097 (6th Cir. Sept. 7, 2011); *Plaza Group Properties, LLC v. Spencer County Plan Commission*, 877 N.E.2d 877 (Ind. Ct. App. 2007); *Flanigan's Enters., Inc. v. Fulton County*, 596 F.3d 1265 (11th Cir. 2010); *East Brooks Books, Inc. v. Shelby County*, 588 F.3d 360 (6th Cir. 2009); *Entm't Prods., Inc. v. Shelby County*, 588 F.3d 372 (6th Cir. 2009); *Sensations, Inc. v. City of Grand Rapids*, 526 F.3d 291 (6th Cir. 2008); *World Wide Video of Washington, Inc. v. City of Spokane*, 368 F.3d 1186 (9th Cir. 2004); *Ben's Bar, Inc. v. Village of Somerset*, 316 F.3d 702 (7th Cir. 2003); *Peek-a-Boo Lounge v. Manatee County*, 630 F.3d 1346 (11th Cir. 2011); *Daytona Grand, Inc. v. City of Daytona Beach*, 490 F.3d 860 (11th Cir. 2007); *Heideman v. South Salt Lake City*, 348 F.3d 1182 (10th Cir. 2003); *Williams v. Morgan*, 478 F.3d 1316 (11th Cir. 2007); *Jacksonville Property Rights Ass'n, Inc. v. City of Jacksonville*, 635 F.3d 1266 (11th Cir. 2011); *H&A Land Corp. v. City of Kennedale*, 480 F.3d 336 (5th Cir. 2007); *Hang On, Inc. v. City of Arlington*, 65 F.3d 1248 (5th Cir. 1995); *Fantasy Ranch, Inc. v. City of Arlington*, 459 F.3d 546 (5th Cir. 2006); *Illinois One News, Inc. v. City of Marshall*, 477 F.3d 461 (7th Cir. 2007); *G.M. Enterprises, Inc. v. Town of St. Joseph*, 350 F.3d 631 (7th Cir. 2003); *Richland Bookmart, Inc. v. Knox County*, 555 F.3d 512 (6th Cir. 2009); *Bigg Wolf Discount Video Movie Sales, Inc. v. Montgomery County*, 256 F. Supp. 2d 385 (D. Md. 2003); *Richland Bookmart, Inc. v. Nichols*, 137 F.3d 435 (6th Cir. 1998); *Spokane Arcade, Inc. v. City of Spokane*, 75 F.3d 663 (9th Cir. 1996); *DCR, Inc. v. Pierce County*, 964 P.2d 380 (Wash. Ct. App. 1998); *City of New York v. Hommes*, 724 N.E.2d 368 (N.Y. 1999); *Taylor v. State*, No. 01-01-00505-CR, 2002 WL 1722154 (Tex. App. July 25, 2002); *Fantasyland Video, Inc. v. County of San Diego*, 505 F.3d 996 (9th Cir. 2007); *Gammoh v. City of La Habra*, 395 F.3d 1114 (9th Cir. 2005); *Z.J. Gifts D-4, L.L.C. v. City of Littleton*, Civil Action No. 99-N-1696, Memorandum Decision and Order (D. Colo. March 31, 2001); *People ex rel. Deters v. The Lion's Den, Inc.*, Case No. 04-CH-26, Modified Permanent Injunction Order (Ill. Fourth Judicial Circuit, Effingham County, July 13, 2005); *Reliable Consultants, Inc. v. City of Kennedale*, No. 4:05-CV-166-A, Findings of Fact and Conclusions of Law (N.D. Tex. May 26, 2005); *Major Liquors, Inc. v. City of Omaha*, 188 Neb. 628 (1972); *DLH Inc. v. Nebraska Liquor Control Commission*, 266 Neb. 361 (2003); *Village of Winslow v. Sheets*, 261 Neb. 203 (2001),

and based upon reports concerning secondary effects occurring in and around adult establishments, including, but not limited to, "Correlates of Current Transactional Sex among a Sample of Female Exotic Dancers in Baltimore, MD," *Journal of Urban Health* (2011); "Does the Presence of Sexually Oriented Businesses Relate to Increased Levels of Crime? An Examination Using Spatial Analysis," *Crime & Delinquency* (2012) (Louisville, KY); *Metropolis, Illinois – 2011-12*; *Manatee County, Florida – 2007*; *Hillsborough County, Florida – 2006*; *Clarksville, Indiana – 2009*; *El Paso, Texas – 2008*; *Memphis, Tennessee – 2006*; *New Albany, Indiana – 2009*; *Louisville, Kentucky – 2004*; *Fulton County, GA – 2001*; *Chattanooga, Tennessee – 1999-2003*; *Jackson County, Missouri – 2008*; *Ft. Worth, Texas – 2004*; *Kennedale, Texas – 2005*;

Greensboro, North Carolina – 2003; Dallas, Texas – 1997; Houston, Texas – 1997, 1983; Phoenix, Arizona – 1995-98, 1979; Tucson, Arizona – 1990; Spokane, Washington – 2001; St. Cloud, Minnesota – 1994; Austin, Texas – 1986; Indianapolis, Indiana – 1984; Garden Grove, California – 1991; Los Angeles, California – 1977; Whittier, California – 1978; Oklahoma City, Oklahoma – 1986; New York, New York Times Square – 1994; the Report of the Attorney General's Working Group On The Regulation Of Adult establishments, (June 6, 1989, State of Minnesota); Dallas, Texas – 2007; "Rural Hotspots: The Case of Adult Businesses," 19 Criminal Justice Policy Review 153 (2008); "Stripclubs According to Strippers: Exposing Workplace Sexual Violence," by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota; "Adult establishments: An Insider's View," by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12, 2000; Sex Store Statistics and Articles; and Law Enforcement and Private Investigator Affidavits (Adult Cabarets in Forest Park, GA and Sandy Springs, GA), McLeary and Weinstein; Do "Off-Site Adult Businesses Have Secondary Effects? Legal Doctrine, Social Theory and Empirical Evidence, Law and Policy, Vol. 31, No. 2 (April 2009), Adult Business Study: Town and Village of Ellicottville, Cattaraugus County, New York (January 1998),

the City Council finds:

- a. Adult establishments, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties, urban blight, litter, and sexual assault and exploitation. Alcohol consumption impairs judgment and lowers inhibitions, thereby increasing the risk of adverse secondary effects.
- b. Adult establishments should be separated from sensitive land uses to minimize the impact of their secondary effects upon such uses, and should be separated from other adult establishments, to minimize the secondary effects associated with such uses and to prevent an unnecessary concentration of adult establishments in one area.

Each of the foregoing negative secondary effects constitutes a harm which the City has a substantial government interest in preventing and/or abating. Additionally, the City's interest in regulating adult establishments extends to preventing future secondary effects of either current or future adult establishments that may locate in the City. The City finds that the cases and documentation relied on in this resolution are reasonably believed to be relevant to said secondary effects.

The City Council hereby adopts and incorporates herein its stated findings and legislative record related to the adverse secondary effects of adult establishments, including the judicial opinions and reports related to such secondary effects.

9.21.02 Definitions

Adult Bookstore Or Adult Video Store shall mean a commercial establishment which, as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of "specified sexual activities" or "specified anatomical areas." A "principal business activity" exists where the commercial establishment meets any one or more of the following criteria:

1. At least 35% of the establishment's displayed merchandise consists of said items, or
2. At least 35% of the retail value (defined as the price charged to customers) of the establishment's displayed merchandise consists of said items, or
3. At least 35% of the establishment's revenues derive from the sale or rental, for any form of consideration, of said items, or
4. The establishment maintains at least 35% of its floor area for the display, sale, and/or rental of said items (aisles and walkways used to access said items, as well as cashier stations where said items are rented or sold, shall be included in "floor area" maintained for the display, sale, or rental of said items); or
5. The establishment maintains at least 500 square feet of its floor area for the display, sale, and/or rental of said items (aisles and walkways used to access said items, as well as cashier stations where said items are rented or sold, shall be included in "floor area" maintained for the display, sale, or rental of said items); or

6. The establishment regularly offers for sale or rental at least 2,000 of said items; or
7. The establishment maintains an "adult arcade," which means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are characterized by their emphasis upon matter exhibiting "specified sexual activities" or "specified anatomical areas."

Adult Cabaret shall mean a nightclub, bar, juice bar, restaurant, bottle club, lounge, or similar commercial establishment that regularly features live conduct characterized by semi-nudity. No establishment shall avoid classification as an adult cabaret by offering or featuring nudity.

Adult Establishment shall mean an "adult bookstore or adult video store," an "adult cabaret," an "adult motion picture theater," or an "adult paraphernalia store."

Adult Motion Picture Theater shall mean a commercial establishment to which the public is permitted or invited wherein an image-producing device is regularly maintained to show images to more than five persons at any one time, and where the images so displayed are characterized by their emphasis upon "specified sexual activities" or "specified anatomical areas."

Adult Paraphernalia Store shall mean a commercial establishment that regularly offers 100 or more sexual devices for sale. This definition shall not be construed to include any establishment located within an enclosed regional shopping mall. For purposes of this definition, "sexual device" means any three dimensional object designed for stimulation of the male or female human genitals, anus, buttocks, female breast, or for sadomasochistic use or abuse of oneself or others and shall include devices commonly known as dildos, vibrators, penis pumps, cock rings, anal beads, butt plugs, nipple clamps, and physical representations of the human genital organs. "Sexual device" shall not be construed to include devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.

Employee of an Adult Establishment shall mean any person who performs any service on the premises of an adult establishment, on a full time, part time, or contract basis, regardless of whether the person is denominated an employee, independent contractor, agent, lessee, or otherwise. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises.

Enclosed Regional Shopping Mall means a group of retail and other commercial establishments that is planned, developed, and managed as a single property, with on-site parking provided around the perimeter of the shopping center, and that is generally at least forty acres in size and flanked by two or more large anchor stores, such as department stores. The common walkway or mall is enclosed, climate controlled and lighted, usually with an inward orientation of the stores facing the walkway.

Nudity means the showing of the human male or female genitals, pubic area, vulva, or anus with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the nipple and areola.

Operator of Adult Establishment means any person on the premises of an adult establishment who manages, supervises, or controls the business or a portion thereof. A person may be found to be an operator regardless of whether such person is an owner, part owner, or licensee of the business.

Semi-Nude or Semi-Nudity means the showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at that point, or the showing of the male or female buttocks. This definition shall include the lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part.

Specified Anatomical Areas shall mean less than completely and opaquely covered human genitals, pubic region, buttock, and/or female breast below a point immediately above the top of the areola.

Specified Sexual Activities shall mean intercourse, oral copulation, masturbation or sodomy.

9.21.03 Performance Standards

1. No person shall establish, operate, or cause to be operated an adult establishment in City of Valley within:
 - A. 1,000 feet of another adult establishment;
 - B. 500 feet of a business licensed to sell alcohol at the premises; or
 - C. 500 feet of a residential district, residential use, residence, church, educational institution, park, or recreational facility.
 - D. For the purpose of this section, measurements shall be made in a straight line in all directions without regard to intervening structures or objects, from the closest part of the structure containing the adult establishment to the closest point on a property boundary of another adult establishment, a business licensed to sell alcohol at the premises, a residential district, a residential use, a residence, a church, an educational institution, park, or a recreational facility.
2. No adult establishment shall be or remain open for business between 12:00 midnight and 6:00 a.m. on any day.
3. No patron, employee of an adult establishment, or any other person shall knowingly or intentionally, in an adult establishment, appear in a state of nudity or engage in a specified sexual activity.
4. No person shall knowingly or intentionally, in an adult establishment, appear in a semi-nude condition unless the person is an employee of an adult establishment who, while semi-nude, remains at least six feet from all patrons and on a stage at least 18 inches from the floor in a room of at least 600 square feet.
5. No employee of an adult establishment who appears semi-nude in an adult establishment shall knowingly or intentionally touch a customer or the clothing of a customer on the premises of an adult establishment. No customer shall knowingly or intentionally touch such an employee of an adult establishment or the clothing of such an employee of an adult establishment on the premises of an adult establishment.
6. No person shall possess alcoholic beverages on the premises of an adult establishment.
7. No person shall knowingly or recklessly allow a person under the age of 18 years to be or remain on the premises of an adult establishment.
8. No operator of an adult establishment shall knowingly or recklessly allow a room in the adult establishment to be simultaneously occupied by any patron and any employee of an adult establishment who is semi-nude or who appears semi-nude on the premises of the adult establishment, unless an operator of the adult establishment is present in the same room.
9. A person who operates or causes to be operated an adult establishment which exhibits in a booth or viewing room on the premises, through any mechanical or electronic image-producing device, a film, video cassette, digital video disc, or other video reproduction characterized by an emphasis on the display of specified sexual activities or specified anatomical areas shall comply with the following requirements.
 - A. The operator of the adult establishment shall, within one week of opening the adult establishment for business, submit to the Building Inspector a diagram of the premises showing the location of all operator's stations, booths or viewing rooms, overhead lighting fixtures, and restrooms, and shall designate all portions of the premises in which patrons will not be permitted. Restrooms shall not contain equipment for displaying films, video cassettes, digital video discs, or other video reproductions. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram shall be oriented to the north or to some designated street or object and shall be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches.
 - B. It shall be the duty of the operator of the adult establishment, and of any employees of the adult establishment present on the premises, to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted.
 - C. The interior premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five foot candles as measured at the floor level. It shall be the duty of the operator of an adult establishment, and of any employees of an adult establishment present on the premises, to ensure

that the illumination described above is maintained at all times that the premises is occupied by patrons or open for business.

- D. It shall be the duty of the operator of an adult establishment, and of any employees of an adult establishment present on the premises, to ensure that no specified sexual activity occurs in or on the licensed premises.
 - E. It shall be the duty of the operator of an adult establishment to post conspicuous signs in well-lighted entry areas of the business stating all of the following:
 - i. That the occupancy of viewing rooms less than 150 square feet is limited to one person.
 - ii. That specified sexual activity on the premises is prohibited.
 - iii. That the making of openings between viewing rooms is prohibited.
 - iv. That violators will be required to leave the premises.
 - v. That violations of these regulations are unlawful.
 - F. It shall be the duty of the operator of an adult establishment to enforce the regulations articulated in 9.21.03 (9)(E)(i) through 9.21.03 (9)(E)(v) above.
 - G. The interior of the premises shall be configured in such a manner that there is an unobstructed view from an operator of the adult establishment's station of every area of the premises, including the interior of each viewing room but excluding restrooms, to which any patron is permitted access for any purpose. An operator's station shall not exceed 32 square feet of floor area. If the premises have two or more operator's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose, excluding restrooms, from at least one of the operator's stations. The view required in this paragraph must be by direct line of sight from the operator's station. It is the duty of the operator of an adult establishment to ensure that at least one employee of an adult establishment is on duty and situated in each operator's station at all times that any patron is on the premises. It shall be the duty of the operator of an adult establishment, and it shall also be the duty of any employees of an adult establishment present on the premises, to ensure that the view area specified in this paragraph remains unobstructed by any doors, curtains, walls, merchandise, display racks or other materials or enclosures at all times that any patron is present on the premises.
 - H. It shall be the duty of the operator of an adult establishment to ensure that no porous materials are used for any wall, floor, or seat in any booth or viewing room.
 - I. It shall be unlawful for a person having a duty under subsections 9.21.03 (9)(A) through 9.21.03 (9)(H) above to knowingly or recklessly fail to fulfill that duty.
 - J. No patron shall knowingly or recklessly enter or remain in viewing room less than 150 square feet in area that is occupied by any other patron.
 - K. No patron shall knowingly or recklessly be or remain within one foot of any other patron while in a viewing room that is 150 square feet or larger in area.
 - L. No person shall knowingly or recklessly make any hole or opening between viewing rooms.
10. It shall be the duty of the operator of an adult establishment to ensure that the interior premises shall be equipped with overhead lighting of sufficient intensity to illuminate every place to which customers are permitted access at an illumination of not less than five-foot candles as measured at the floor level and the illumination must be maintained at all times that any customer is present in or on the premises.
11. Unless a culpable mental state is otherwise specified herein, a showing of a reckless mental state shall be sufficient to establish a violation of a provision of this section 9.21.03.
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Section 9.22 Dwelling Unit, Special Types

This section is intended to establish special conditions by which Special types of dwelling units may be established within the jurisdiction of Valley.

9.22.01 Tiny Houses

Tiny houses fall under two separate categories, Site Built and RV/Park Model/Camper.

Site Built Tiny Houses

- 1. Tiny homes shall have at least one habitable room with not less than 120 sf of gross floor area;
- 2. Other habitable rooms shall have not less than 70 sf of floor area, except for kitchens;
- 3. Habitable rooms shall not less than seven feet in any horizontal dimension;
- 4. Ceiling height effect on room area:

- A. Portions of a sloped ceiling measuring less than five feet or a furred ceiling measuring less than seven feet from the finished floor;
- B. The finished ceiling shall not be considered as contributing to the minimum required habitable area for the room;
5. Ceiling heights shall be a minimum of seven feet in habitable spaces, hallways, bathrooms, and toilet rooms;
6. Every dwelling shall have toilet facilities-water closet, lavatory, and a bathtub or shower;
7. Tiny homes shall have a kitchen area and sink;
8. The unit shall provide heating and cooling systems as required by local, state and/or federal codes;
9. All electrical shall be in compliance with all local, state and/or federal electrical codes;
10. The unit shall meet all egress requirements found in local, state, and/or federal codes;
11. All foundations shall meet local, state, and/or federal building codes;
12. All structures shall meet the maximum coverage on a lot as any ordinary single-family dwelling.

RV/Park Model/Camper

1. The unit shall be constructed upon a single chassis;
2. The unit shall have 400 sf or less when measured at the largest horizontal projections;
3. The unit shall be self-propelled or permanently towable by a light duty truck;
4. The unit shall not be considered to be designed for use as a permanent dwelling but as a temporary living quarter;
5. All electrical, including temporary hook-ups, shall be in compliance with all local, state and/or federal electrical codes;
6. All plumbing and other mechanical systems shall not be permanently connected to a supply or discharge source;
7. The wheels and axles shall remain on the unit at all times;
8. Accessory structures shall not be supported by these units;

Tiny House Villages/Communities

Tiny house villages/communities may be allowed in identified areas and shall be designed using the CMD-Clustered/Mixed Use District process within this Regulation.

9.22.02 Grain Bin Homes

Any residential structure meeting the definition of a grain bin home shall meet the following criteria:

1. Grain bin homes shall be structurally anchored to a permanent foundation and said foundation shall meet local, state, and/or federal building codes;
2. Grain bin homes shall have at least one habitable room with not less than 120 sf of gross floor area;
3. Other habitable rooms shall have not less than 70 sf of floor area, except for kitchens;
4. Habitable rooms shall not less than seven feet in any horizontal dimension;
5. Ceiling height effect on room area:
 - A. Portions of a sloped ceiling measuring less than five feet or a furred ceiling measuring less than seven feet from the finished floor;
 - B. The finished ceiling shall not be considered as contributing to the minimum required habitable area for the room;
6. Ceiling heights shall be a minimum of seven feet in habitable spaces, hallways, bathrooms, and toilet rooms;
7. Every dwelling shall have toilet facilities-water closet, lavatory, and a bathtub or shower;
8. Grain bin homes shall have a kitchen area and sink;
9. The unit shall provide heating and cooling systems as required by local, state and/or federal codes;
10. All electrical shall be in compliance with all local, state and/or federal electrical codes;
11. The unit shall meet all egress requirements found in local, state, and/or federal codes;
12. Any and all extensions off the grain bin home shall be structurally designed regarding all attachments and cantilevers';
13. All modifications needed to convert the grain bin(s) into a dwelling unit shall be required to have all modifications designed and engineered by a licensed architect and/or engineering;
14. All items requiring the structure to be structurally designed/modified shall be sealed by a structural engineer;
15. All structures shall meet the maximum coverage on a lot as any ordinary single-family dwelling.

9.22.03 Cargo Container Homes

Any residential structure meeting the definition of a cargo container home shall meet the following criteria:

1. Cargo container homes shall be structurally anchored to a permanent foundation and said foundation shall meet local, state, and/or federal building codes;
2. Multiple containers shall be structurally and permanently attached to each other;
3. Cargo container homes shall have at least one habitable room with not less than 120 sf of gross floor area;
4. Other habitable rooms shall have not less than 70 sf of floor area, except for kitchens;
5. Habitable rooms shall not less than seven feet in any horizontal dimension;
6. Ceiling height effect on room area:
 - A. Portions of a sloped ceiling measuring less than five feet or a furred ceiling measuring less than seven feet from the finished floor;
 - B. The finished ceiling shall not be considered as contributing to the minimum required habitable area for the room;
7. Ceiling heights shall be a minimum of seven feet in habitable spaces, hallways, bathrooms, and toilet rooms;
8. Every dwelling shall have toilet facilities-water closet, lavatory, and a bathtub or shower;
9. Cargo container homes shall have a kitchen area and sink;
10. The unit shall provide heating and cooling systems as required by local, state and/or federal codes;
11. All electrical shall be in compliance with all local, state and/or federal electrical codes;
12. The unit shall meet all egress requirements found in local, state, and/or federal codes;
13. Any and all extensions off the cargo container home shall be structurally designed regarding all attachments and cantilevers';
14. All modifications needed to convert the cargo container(s) into a dwelling unit shall be required to have all modifications designed and engineered by a licensed architect and/or engineering;
15. All items requiring the structure to be structurally designed/modified shall be sealed by a structural engineer;
16. All structures shall meet the maximum coverage on a lot as any ordinary single-family dwelling.

9.22.04 Tree house Homes

Any residential structure meeting the definition of a tree house home shall meet the following criteria:

1. Tree house homes shall only be permitted as an accessory use to a primary structure;
2. Tree house homes shall have at least one habitable room with not less than 120 sf of gross floor area;
3. Other habitable rooms shall have not less than 70 sf of floor area, except for kitchens;
4. Habitable rooms shall not less than seven feet in any horizontal dimension;
5. Ceiling height effect on room area:
 - A. Portions of a sloped ceiling measuring less than five feet or a furred ceiling measuring less than seven feet from the finished floor;
 - B. The finished ceiling shall not be considered as contributing to the minimum required habitable area for the room;
6. Ceiling heights shall be a minimum of seven feet in habitable spaces, and hallways;
7. The unit shall provide heating and cooling systems as required by local, state and/or federal codes;
8. All electrical shall be in compliance with all local, state and/or federal electrical codes;
9. The unit shall meet all egress requirements found in local, state, and/or federal codes;
10. All tree house homes designed as recreational structures and/or sleeping quarters shall be structurally designed prior to construction and sealed by a structural engineer.

9.22.05 Quonset Homes

Any residential structure meeting the definition of a Quonset home shall meet the following criteria:

1. Quonset homes shall be structurally anchored to a permanent foundation and said foundation shall meet local, state, and/or federal building codes;
2. Quonset homes shall have at least one habitable room with not less than 120 sf of gross floor area;
3. Other habitable rooms shall have not less than 70 sf of floor area, except for kitchens;
4. Habitable rooms shall not less than seven feet in any horizontal dimension;
5. Ceiling height effect on room area:
 - A. Portions of a sloped ceiling measuring less than five feet or a furred ceiling measuring less than seven feet from the finished floor;

- B. The finished ceiling shall not be considered as contributing to the minimum required habitable area for the room;
6. Ceiling heights shall be a minimum of seven feet in habitable spaces, hallways, bathrooms, and toilet rooms;
7. Every dwelling shall have toilet facilities-water closet, lavatory, and a bathtub or shower;
8. Quonset homes shall have a kitchen area and sink;
9. The unit shall provide heating and cooling systems as required by local, state and/or federal codes;
10. All electrical shall be in compliance with all local, state and/or federal electrical codes;
11. The unit shall meet all egress requirements found in local, state, and/or federal codes;
12. Any and all extensions off the Quonset home shall be structurally designed regarding all attachments and cantilevers';
13. All modifications needed to convert the Quonset into a dwelling unit shall be required to have all modifications designed and engineered by a licensed architect and/or engineering;
14. All items requiring the structure to be structurally designed/modified shall be sealed by a structural engineer;
15. All structures shall meet the maximum coverage on a lot as any ordinary single-family dwelling.

9.22.06 Shouses

Any residential structure meeting the definition of a Shouse shall meet the following criteria:

1. Shouses shall be structurally anchored to a permanent foundation and said foundation shall meet local, state, and/or federal building codes;
2. Once a Shouse has been established, the overall structure, including the shop area will no longer be considered an agricultural structure/building;
3. Shouses homes shall have at least one habitable room with not less than 120 sf of gross floor area;
4. Other habitable rooms shall have not less than 70 sf of floor area, except for kitchens;
5. Habitable rooms shall not less than seven feet in any horizontal dimension;
6. Ceiling height effect on room area:
 - A. Portions of a sloped ceiling measuring less than five feet or a furred ceiling measuring less than seven feet from the finished floor;
 - B. The finished ceiling shall not be considered as contributing to the minimum required habitable area for the room;
7. Ceiling heights shall be a minimum of seven feet in habitable spaces, hallways, bathrooms, and toilet rooms;
8. Every dwelling shall have toilet facilities-water closet, lavatory, and a bathtub or shower;
9. Shouses shall have a kitchen area and sink;
10. The unit shall provide heating and cooling systems as required by local, state and/or federal codes;
11. All electrical shall be in compliance with all local, state and/or federal electrical codes;
12. The unit shall meet all egress requirements found in local, state, and/or federal codes;
13. Any and all extensions off the Shouse shall be structurally designed regarding all attachments and cantilevers';
14. All modifications needed to convert the machine shed into a dwelling unit shall be required to have all modifications designed and engineered by a licensed architect and/or engineering;
15. All items requiring the structure to be structurally designed/modified shall be sealed by a structural engineer;
16. All structures shall meet the maximum coverage on a lot as any ordinary single-family dwelling.

Section 9.23 Solar Farms:

9.23.01 Applicability

The purpose of this subsection is to provide standards for fixed-panel photovoltaic solar farms consisting of ground-mounted solar panels that capture energy from the sun and convert it to electricity. The provisions of this section are based on a ground-mounted photovoltaic facility using a rammed post construction technique and panels that support 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, Valley 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 non-urbanized, low-density areas with other agricultural and scattered industrial uses.

9.23.01 Definitions

The following definitions pertain specifically to this section of the Resolution.

Solar Access: A property owner's right to have sunlight shine on his land.

Solar Collector: 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 Energy: Radiant energy received from the sun at wavelengths suitable for heat transfer, photosynthetic use, or photovoltaic use.

Solar Energy System: A system that uses the power of the sun to capture and store energy and reduce on site consumption of utility power.

Solar Energy System, Freestanding: A solar energy system that is not attached to another structure and is ground mounted.

Solar Energy System, Joint: A solar energy collector or storage mechanism that supplies energy for structures or processes on more than one lot or in more than one dwelling unit or leasehold, but not to the general public and involves at least two owners or users.

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 nine o'clock (9:00) A.M. and three o'clock (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 eight o'clock (8:00) A.M. and four o'clock (4:00) P.M. local apparent time from March 23 through September 21 of each year.

Solar Skyspace 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 Storage Mechanism: Equipment or elements such as piping and transfer mechanisms, containers, heat exchangers or controls thereof and gases, solids, liquids or combinations thereof that are utilized for storing solar energy, gathered by a solar collector, for subsequent use.

9.23.03 Site Development Standards:

1. Lot coverage: No more than one percent of the gross site area shall be occupied by enclosed buildings and structures.
2. Setbacks: A thirty-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.

3. Height: The average height of the solar panel arrays shall not exceed 12 feet.
4. 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 agricultural for the purposes of buffer requirements. There is no requirement for screening from public streets.
5. Stormwater Management: Fixed panel solar arrays shall be considered pervious and any fee in lieu of detention shall be considered based on impervious cover. 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.
6. Subdivision: 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.
7. Signage: Signage shall conform to Article 7 of this Resolution as well as any sign limitations of the zoning district.
8. 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.
9. 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 as defined in Appendix A.
10. 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.

9.23.04 Districts

Ground-mounted fixed-panel photovoltaic solar farms may be allowed upon the approval of a Conditional Use Permit as established in Article 5 of this Resolution.

9.23.05 Submittal Requirements:

Conditional Use Permits are required for solar farms. Plans shall contain the following:

1. 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;
2. The plot plan shall include any roads, electric lines and/ or overhead utility lines;
3. 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;
4. A copy of the interconnection agreement with the local electric utility or a written explanation outlining why an interconnection agreement is not necessary;
5. Drawings or blueprints of solar panels and arrays in conjunction with the application for a building permit for a solar farm/solar power plant;
6. Structural engineering analysis for a solar panel, array and its foundation, as applicable.
7. Manufacturer's recommended installations, if any; and
8. Documentation of land ownership and/or legal authority to construct on the property.
9. 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 Board may require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning.

9.23.06 Compliance with Other Regulations:

1. Zoning permit applications for solar farms 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 State's adopted electrical code and that has been pre-approved by the associated power district meeting their Distribution Generation Requirements and Guidelines; and
2. This subsection does not waive any requirements of any state or Federal codes, electrical codes or other technical codes as applicable.

9.23.07 Discontinuation.

A solar farm shall be considered abandoned after one year without energy production. The property owner shall remove all solar farm equipment and appurtenances within 90 days of abandonment.

Article 10: Gated Communities

The City of Valley recognizes that there is a market demand for subdivision communities having limited access through the utilization of entryway gates. The City of Valley recognizes that Gated Communities may be appropriate in certain locations and in certain limited circumstances. The City of Valley Zoning Regulations provided that Gated Communities are permitted uses in R-1, R-2, and R-3 Zoning Districts.

This Article applies to all subdivisions for which a Gated Community was requested by a Subdivider, not by an existing Homeowners Association, and approved by the Valley Planning Board and Valley City Council prior to platting.

Section 10.01 Definitions

The following definitions are for the purpose of Article 10 only:

DECLARATION: Simultaneous with the recording of the Gated Community plat, the subdivider must record in the public records of the City of Valley, Nebraska, a document or documents (herein referred to as the "Declaration"), which shall govern all platted lots with the Gated Community, shall impose requirements and restrictions that run with the land, and shall address the responsibilities for the ongoing maintenance and repair of the Gated Community infrastructure. The terms of the Declaration shall be, to the City of Valley's satisfaction, legally sufficient and enforceable to accomplish its stated requirements and restrictions.

GATED COMMUNITY: A residential area containing more than four (4) lots in which access to the subdivision streets is restricted by the use of a guardhouse, gate, or electronic arm, to which residents may gain entry by using electronic cards, identification stickers, codes, or remote-control devices.

HOMEOWNERS ASSOCIATION ("HOA"): A mandatory community association in which the owners of all lots, blocks, and tracts in the Gated Community are required by the terms of the Declaration to be members.

INFRASTRUCTURE: Those roadways and other items which should otherwise be dedicated to the use of the public and/or the City of Valley in a typical subdivision but which are retained for private use by the HOA or owners of lots in the Gated Community; however, infrastructure as used herein specifically excludes private amenities including, but not limited to, entrance and exit gates, walls, swimming pools, clubhouses, parks and other recreation areas.

PRIVATE STREET: A street created within a Gated Community which is not dedicated for public use and which is located on a lot or outlot owned by a Homeowners Association.

SUBDIVIDER : (i) any person, group, corporation, partnership, or other entity, or any agency thereof, dividing or proposing to divide land so as to constitute a Gated Community or (ii) the person or entity that is the original Declarant which records the Declaration and/or plat for a Gated Community or (iii) the person or entity that succeeds to the rights and liabilities of the person or entity which is the original Declarant, or (iv) in the absence of a written assignment of subdivider rights recorded in the public records of the City of Valley, Nebraska, the person or entity that materially or substantially exercises the rights and liabilities of the original Declarant including, but not limited to controlling the Board of Directors of the Homeowners Association.

Section 10.02 General Provisions

The use of gates as a means of limiting access by the public necessitates that streets and drainage systems for a Gated Community be privately owned and maintained. However, the public's interest is served only if the Gated Communities and the accompanying private streets and drainage systems are allowed as a privilege, not a right, of the subdivider and subsequent property owners, and only if the improvements within a Gated Community comply with the minimum standards of the subdivision regulations and are maintained in a manner consistent with the existing standards established for similar facilities maintained by the City of Valley.

This article acts as a contract among the Subdivider, the HOA, and the City of Valley, by which the City of Valley allows a Subdivider to create a Gated Community and allows the Subdivider and the HOA to keep the subdivision as a community with gates that restrict access, so long as the Subdivider and the HOA substantially comply with the requirements of this article.

Section 10.03 Gates

1. Gate Design Standards
 - a. Gate design may incorporate one or two gate sections to meet the required minimum gate width of 28 feet. If the entrance will incorporate a median, guard shack or similar structure that necessitates a divided gate arrangement, the gate widths shall be consistent with each street opening width, but in no case, shall any single gate or street pavement have a clear opening of less than 18 feet.
 - b. Approach and departures areas on both sides of a gated entrance must provide adequate setbacks and proper alignment to allow free and unimpeded passage of emergency vehicles through the entrance area. All entry gates must be setback a minimum of 100 feet from any adjacent public street right-of-way to allow for vehicle stacking out of the public travel lanes. Any exception must be approved by the City Engineer and the Planning Commission.
 - c. If a gate design incorporates any overhead obstruction, said obstruction must be a minimum of 14 feet above the finished road surface.
 - d. The design and plans for any gate must meet all design and other standards and requirements set forth in the City of Valley ordinances and standards as determined by the City Engineer.

2. Gate Construction, Operation, Maintenance, Testing and Inspection
 - a. All gate installations will be monitored and inspected by the City Engineer. The installation must be completed and tested prior to the City's acceptance of the subdivision.
 - b. All components of the gate system must be maintained in an approved operating condition, with all components serviced and maintained on a biannual basis as needed to insure proper gate operation.
 - 1) A proper power supply shall be maintained to all electrical and electronic components at all times.
 - 2) Back-up power with a manual over-ride or a manual open function is mandatory.
 - 3) Each gate shall have a remote control, or other device acceptable to the City, to open and close the gate.
 - 4) The City shall be provided with enough remote control or other devices, the exact number to be determined by the City in its sole discretion, to allow first responder emergency vehicles to open the gate at any time.
 - 5) All gates will be equipped with a feature that allows first responder emergency personnel to lock and maintain the gate in an open position, in their discretion.
 - c. All streets, gates, and other fire protection features, signage, and equipment are subject to periodic inspection and performance testing by the City and must be repaired immediately if found to be in condition of disrepair. The City shall have the right to enter the subdivision and disable, open, or remove any gate, device, or other feature that impedes or controls vehicle access at the sole expense of the Subdivider, Homeowners Association or their successors. A gate which has been disabled, opened, or removed because of a condition of disrepair or nonperformance shall not be placed back in service until tested and authorized by the City Engineer. Emergency repairs shall be assessed against the Subdivider, Homeowners Association, or their successors.

3. Access
 - a. Except where the entrance road culminates in a cul-de-sac or where the entrance and exit road is a boulevard a gated community shall have at least two but no more than four ingress/egress roads so that one may enter one gate and exit the other without turning around.
 - b. Where the entrance road to a gated community culminates in a cul-de-sac the cul-de-sac must meet all design and other standards and requirements set forth in the City of Valley ordinances and standards, as determined by the City Engineer.
 - c. Where the entrance and exit road to a gated community is a boulevard the boulevard must meet all design and other standards and requirements set forth in the City of Valley ordinances and standards, as determined by the City Engineer.
 - d. The entryway gates must include a box, labeled "City of Valley," with a master-keyed padlock, and the box must contain a key, a card-key, a code, a remote-controlled device, or some other means by which animal control, City of Valley Public Works Department, City of Valley Engineer, City of Valley Building Inspector, and utility workers may gain access to the subdivision.
 - e. The means of access must be approved by the entity providing utility service to the Gated Community, and the box must be installed prior to the City of Valley's issuance of the certificate of completion for the Gated Community infrastructure.

- f. Any other utilities serving the Gated Community must have similar access, and the names of such utilities must be on the outside of the box containing the means of access.

Section 10.04 Private Streets, Sidewalks

1. Private Street Design Standards
 - a. Design and Construction Standards for Private streets shall conform to the same standards regulating the design and construction as specified in the City of Valley ordinances and standards, as determined by the City Engineer. Street naming and addressing policy which shall conform to the 911 emergency response.
 - b. The design, layout and size of a public street shall conform to the aforementioned standards and shall be accepted by the City Engineer.
 - c. Sidewalks may be required in the discretion of the City, as approved by the City Engineer.

Section 10.05 Private Street Approval, Construction and Maintenance

1. Private streets must be constructed within a separate outlot owned by the homeowner's association.
 - a. This outlot must conform to the City's standards for a public street, including the requirement of a minimum 60 foot right of way.
 - b. An easement covering the outlot shall be granted to the City providing unrestricted use of the outlot for utilities and storm drainage systems and the maintenance, repair, reconstruction, administration and operation of same.
 - c. This right shall extend to all utility providers and servicers operating within the City and shall include the City's subcontractors and employees.
 - d. The easement shall also provide the City with the right of access for any purpose related to the exercise of a governmental service or function, including but not limited to first responders, emergency services, inspection, including street inspections by the City Engineer, and code enforcement.
 - e. The easement shall permit the City to remove any vehicle or obstacle within the street lot that impairs emergency access.
2. Developments proposed with private streets must submit to the City the same plans and engineering information required to construct public streets and utilities. Requirements pertaining to inspection and acceptance of improvements prior to issuance of building permits shall apply.
3. The City may periodically inspect private streets and require repairs necessary to insure emergency access.
4. Construction, Maintenance and Repairs:
 - a. The Subdivider or the HOA shall be responsible for the cost of the construction, maintenance, repairs and reconstruction of all private streets.
 - b. The City shall not pay for any portion of the cost of construction or maintaining a private street, including snow and ice removal. The City may require proof of funds as a part of the approval process.
 - c. The Homeowners' Association shall maintain an escrow account, with adequate resources within the account to cover two times the average annual maintenance costs. A yearly audit of the escrow account shall be provided to the city.
 - d. An inspection report is to be completed by May 1 of each year and submitted to the Valley City Engineer.
 - e. The Valley City Engineer will review the report, inspect the private streets and advise the HOA of the necessary repairs and maintenance.
 - f. HOA will perform such maintenance within three months, weather permitting.
 - g. If HOA fails to perform such maintenance within three months, then the City can perform such repairs and the HOA will pay the City of the work within 60 days of receipt of a billing invoice.
 - h. If HOA fails to pay the City then the City may elect to dissolve the Gated Community and require that the private streets become dedicated public streets, pursuant to Section 10.05.02, herein.

Section 10.06 Public Utilities

1. Public Utilities Design Standards
 - a. Design and Construction Standards for public utilities shall conform to the same standards regulating the design and construction of such utilities as specified in the City of Valley ordinances and standards, as determined by the City Engineer. These standards shall include, but are not limited to

the design standards for paving, drainage, water and sanitary sewer and Standards Specifications for Public Works Construction.

- b. The design and plans for any gate must meet all design and other standards and requirements set forth in the City of Valley City standards and Ordinances, as determined by the City Engineer.
2. Public Utilities: Approval, Construction, Maintenance and Cost
 - a. Water, sewer, and drainage facilities and other necessary utilities placed within the outlot shall be installed and constructed in accordance with City standards and Ordinances, and dedicated to the City as part of the acceptance of the final plat. After the City's acceptance of the utilities and the dedication thereof the City shall be responsible for the maintenance of any such utilities.
 - b. The Subdivider or the HOA shall be responsible for the cost of the construction, of all utilities. The City may require proof of funds as a part of the approval process.
 3. Street Lights, Signs:

Street lights and signs shall be installed and maintained by the homeowner's association in accordance with city standards and Ordinances.

Section 10.07 Homeowners Association

1. A Gated Community is required to have a mandatory Homeowners Association in which the owners of all lots, blocks, and tracts in the Gated Community are required by the terms of the Declaration to be members.
2. The association shall own and be responsible for the maintenance of private streets, parks and other HOA appurtenances.
3. The Declaration shall be reviewed by the City Attorney and subject to approval by the City to ensure that they conform to this and other applicable City ordinances.
4. The Declaration shall be filed of record in the office of the Register of Deeds of Douglas County, Nebraska prior to the approval of the final plat.
5. No portion of the Declaration pertaining to the private streets or gates, and any assessments therefore, may be amended without the written consent of the City.
6. The legal instruments establishing the HOA and the Declaration shall require that each property owner in the subdivision acknowledge the potential for delays in emergency responses due to limited access to the subdivision.
7. Such legal instruments and the Declaration shall further provide that the HOA shall hold harmless and indemnify the City and any other entities providing emergency services to the Gated Community against all costs, including defense costs, resulting from claims based on delays in emergency responses due solely to limited access to the subdivision and properties therein, or from claims related to first responder emergency personnel maintaining a gate in an open position pursuant to Article 10.03.

Section 10.08 City Issue Building Permits

A Gated Community proposed with private streets must submit to the City the same plans and engineering information required to construct public streets and utilities. Requirements pertaining to inspection and approval of improvements prior to issuance of building permits shall apply.

Section 10.09 Procedures for Dissolving a Gated Community

1. HOA Vote
 - a. The Declaration shall allow the HOA to request the City to accept the Private Streets and the associated property as public streets and right-of-way upon written notice to all association members and the favorable vote of 75 percent of the membership.
 - b. However, in no event shall the City be obligated to grant this request and to convert the Private Streets to public streets.
 - c. The HOA shall address any such request to the Valley City Council which shall, after investigation and consultation with City professionals and staff, vote on such request.
 - d. Should the City elect to accept the streets as public, the City shall inspect the private streets and assess the HOA, or the lot owners within the Gated Community, for the cost of needed repairs concurrent with the City's acceptance of the streets.
 - e. The City shall be the sole judge of whether repairs are needed.

- f. The City shall also require, at the HOA's expense, the removal of guard houses, gates, access control devices, landscaping or other aesthetic amenities located within the outlot, provided that if the HOA is unable to pay for any such removal the City may assess the cost of removal against the lots within the Gated Community.
 - g. The Declaration shall provide for the City's right to levy assessment, if required, against all properties within the association for the costs to repair streets and remove improvements.
 - h. Those portions of the Declaration pertaining to the subject matter contained in this paragraph shall not be amended without the written consent of the City.
2. Agreement
- a. The Declaration shall provide that the City of Valley and the HOA shall enter into an Agreement setting forth the HOA's responsibilities in connection with the maintenance of the private streets.
 - b. In the event of the HOA's failure to perform street repairs, the subsequent repairs of the private streets by the City of Valley, and the HOA's failure to pay the City of Valley for the cost of such repairs, the Agreement shall provide that the City of Valley, at its option, may elect to convert the Private Streets to public streets, and in such event the City shall have the same powers with respect to making street repairs and levying assessments therefore as are set forth in Article 10.09.01.

Section 10.10 Gated Community Indemnifications

The terms of the Declaration shall be, to the City of Valley's satisfaction, legally sufficient and enforceable to accomplish or otherwise ensure, at a minimum, that the subdivider, so long as the subdivider retains control of the Board of Directors of the HOA, and the HOA, expressly indemnify and hold the City of Valley, its officers and employees, and any governmental entity or public utility harmless from any cost of maintenance, repair, and reconstruction of, or tort liability or award of damages related to or arising out of or in connection with, the streets, sidewalks, drainage system (including storm water system), gates and/or any other Gated Community infrastructure or private improvements.

Section 10.11 Homeowners Association General Liability Policy

1. The Declaration shall require that the Homeowners Association carry a general liability insurance policy insuring itself from liability for damages related to or arising in connection with the streets, sidewalks, drainage system, gate, and any other infrastructure.
2. The minimum amount of insurance required shall be \$5,000,000.00.
3. The City of Valley shall be named as an additional insured on such policy and the Homeowners Association shall, on at least an annual basis, or upon request at any time, provide the City of Valley with a valid Certificate of Insurance from an insurance company licensed and qualified to do business in the State of Nebraska, evidencing such coverage.

Section 10.12 Gated Community Cost Disclosure Statement

1. No contract for the sale and purchase of a residential lot or home in a Gated Community shall be effective until a Gated Community Cost Disclosure Statement, in substantially the form of the Gated Community Cost Disclosure Statement attached hereto as Exhibit "A", has been provided to and executed by such purchaser.
2. This Gated Community Cost Disclosure Statement shall be in conspicuous type and shall be contained in a single document which shall be provided to the purchaser separately from the contract for purchase and sale and other required documents.
3. The Gated Community Cost Disclosure Statement type shall be deemed conspicuous if it is all uppercase letters and typed in at least 12-point typeface. In the case of sale and purchase of multiple lots to a single purchaser in a Gated Community, execution of a single Gated Community Cost Disclosure Statement, is sufficient, provided that all lots are listed on the Gated Community Cost Disclosure Statement either by legal description or by street address.
4. The deed conveying a residential lot or home to a purchaser, whether or not the Grantor is the Subdivider or an owner subsequent to the Subdivider, shall contain a representation that the Grantor provided a copy of the gated Community Disclosure Statement to the Grantee.
5. The City of Valley shall have the right to file the Gated Community Cost Disclosure Statement, or a summary thereof, against all the lots within the gated community, either as a separate filing by the City or in conjunction with the Declaration.

EXHIBIT "A"

If you are buying a lot or home in a Gated Community within the city limits of the City of Valley, you should know these basic facts:

1. The City of Valley will not pay to maintain the streets, sidewalks, and drainage systems and shall not be permitted to remove storm debris in the Gated Community because the streets, sidewalks, and drainage are private property and the general public cannot access the Gated Community.
2. Although the cost of properly maintaining and repairing streets, sidewalks, and drainage systems can be very high, only the owners of homes and lots in this Gated Community will share these expenses. Tax dollars will not be used.
3. Members of this Gated Community, through their mandatory HOA, must set aside adequate reserves to pay for storm debris removal in the event of a tornado, snowstorm, or other major storm event, to properly maintain, repair, and replace the streets, sidewalks, and drainage system, and must have a professional engineer regularly inspect the streets, sidewalks, and drainage system and report what work is necessary to maintain and/or repair them.
4. The mandatory HOA is obligated to do the necessary repair work and the members of the HOA are obligated to pay for the work through their assessments.
5. The HOA is also required to maintain liability insurance adequate to pay claims for injuries and property damage arising on the private streets, sidewalks, drainage areas, and other common areas in the Gated Community.
6. If the City of Valley determines that the Gated Community is not meeting its obligations, it may revoke the Gated Community's privilege to close its gates so that the roads in the Gated Community become available for public use.

I have read and understood the disclosures provided in this Gated Community Cost Disclosure Statement prior to execution of a contract to purchase any lot in the [] Gated Community.

Name of Purchaser Signature of Purchaser
Name of Purchaser Signature of Purchaser

Article 11: Site Plans

Section 11.01 Purpose

The site plan review provisions of this section are intended to promote functional and aesthetic design of property development within the City. These provisions are intended to alleviate the potentially harmful effects on adjoining land of new development by encouraging site plans that respect their environmental, land use and economic context. Regulations of this section should ensure that new structures, utilities, streets, parking, circulation systems, yards and open spaces are designed in the most efficient, attractive and harmonious manner.

Section 11.02 Application and Scope of Site Plan Review and Approval

No building permit shall be issued, and no construction, grading or other land development activity listed below may be commenced on property unless a site plan has been submitted and approved for such activity as set forth in this section. Development activities subject to the requirements of this section may hereafter be carried out only in substantial conformance with the approved site plan and any conditions or restrictions attached thereto. Material changes shall not be made to an approved site plan without the approval of the City. A permanent Certificate of Occupancy for a new development shall be not issued until all storm water control, sanitary sewer, water mains, off street parking facilities and all other site plan requirements have been constructed and approved by the City, and are fully operational.

Section 11.03 Development Activities Subject to Site Plan Review

1. Site plan review is required for construction or expansion of any building, structure or freestanding sign except single-family detached dwellings, duplexes and townhouses of not more than two units and permitted accessory structures to a single-family dwelling or duplex. Driveways to said single-family and duplex dwelling units, garages and carports shall be paved with a hard surface as defined in Article 2.
2. Any change, alteration or modification in a structure or use which would require the provision of additional off street parking spaces, additional lot area, or other substantial change in zoning requirements applicable to such structure or use.
3. The construction or creation of any parking lot or the expansion of any existing parking lot.

Section 11.04 Administrative Waiver, When Permitted

City staff may waive the requirements for site plan review for any development activity within the scope of this Article where staff reasonably believes such a waiver will not adversely affect the purposes and intent of these Regulations.

Section 11.05 Site Plan Review Procedures

1. Applicants for site plan review shall meet with City Staff and/or designees prior to submission of a site plan. The purpose of this meeting is to acquaint the applicant with site development standards and procedures. This meeting shall also serve to allow the applicant to present the scope and nature of the proposed project to City Staff and/or designees.
2. Following the initial meeting, the applicant may submit a completed site plan for review.

Section 11.06 Site Plan Application Requirements

All applications for site plan review shall be prepared to show all information currently required by the City, a list of which shall be available from the Building and Zoning Department. At least six copies are required for all site plan sheets, drawings and written information. The Building and Zoning Development staff shall coordinate review of the submitted site plan with all other appropriate City Departments.

1. The City Engineer shall approve and regulate the construction of new streets, driveways, curb cuts and other paved surfaces, and storm water facilities, sanitary sewer and erosion control measures and facilities. Within 14 working days of receiving a site plan, the Building and Zoning Department shall notify the applicant of any approval, conditional approval or disapproval. In cases of conditional approval or disapproval, written notification shall be given for the reasons of such action.
 - A. Site plan approvals are valid for a period of two years from the date of approval, during which time a building permit must be applied for. Building and Zoning Department staff shall have the authority to grant one extension for a period of up to 12 months, provided the approved site plan is still compliant with all current City codes and ordinances.

- B. One copy of the approved site plan shall be returned to the applicant. One copy of the approved site plan shall remain on file in the Building and Zoning Department.

Section 11.07 Site Plan Appeals

The Board of Adjustment shall review all appeals as an Administrative Appeal or Interpretation of the regulations. Said appeal shall follow the procedures and regulations found in Article 13 of these Regulations.

Article 12: Site Design Standards

Section 12.01 Intent

These Site Design Standards are established in order to achieve the following goals:

1. Provide standards for the orderly development of the City and the promotion of quality sustainable development.
2. Implement the goals, objectives and policies of the Comprehensive Plan related to quality development and neighborhood compatibility.
3. Maintain and protect the value of property.
4. Maintain a high quality of life without significantly increasing public or private costs for development or unduly restricting private enterprise, initiative, or innovation in design.
5. Ensure that the placement of buildings, structures, fences, lighting and fixtures on each site shall not interfere with traffic circulation, safety, appropriate use and enjoyment of adjacent properties.
6. Preserve and enhance property values by ensuring that yards, open spaces, parking lots and public rights of way are designed and maintained with respect to plants and landscape materials.
7. Ensure that development respects land capabilities and constraints, minimizes erosion and destruction of natural amenities, and reduces conflicts between lands and uses.

Section 12.02 Applicability

1. **New Development:** Development requiring a site plan under Section 11.03 on a vacant site or substantially cleared real estate shall comply with the Site Design Standards set forth herein.
2. **Redevelopment:** Development requiring a site plan under Section 11.03 on a site with improved real estate, involving partial clearance of 25 percent or more of the building area and/or expansion of 25 percent or more of the building area existing at the time of adoption of this Code shall comply with the Site Design Standards set forth herein.
3. **Waiver from Site Design Standards:** The City Council with concurrence of the Planning Commission may grant waivers from the Site Design Standards of this Article, as may be reasonable and within the general purpose and intent of the site plan review and approval provisions of this Article if the literal enforcement of one or more provisions of this Article is impracticable or will exact an undue hardship because of peculiar conditions pertaining to the land in question. The affirmative vote of at least four Planning Commissioners shall be necessary to grant a waiver. The waiver may be granted subject to such conditions as the Commission may establish to ensure the general purpose and intent of the provisions of this Article are followed. At the Commission meeting, the applicant and all other interested parties shall be presented a reasonable opportunity to present their views. Decisions of the Zoning Advisory Commission may be appealed to the Board of Adjustment in the same manner as appeals from a decision of an administrative officer.

Section 12.03 Site Development Requirements

12.03.01 Site Lighting

1. The following site features shall be illuminated by an exterior light source:
 - A. Driveways and loading facilities; and
 - B. Pedestrian walkway surfaces and entrances to buildings.
2. The location and design of site lighting shall conform to the following:
3. All exterior lighting shall be designed, installed and maintained so as not to cause glare or to shine in adjacent lots and streets;
4. No light sources shall provide illumination onto adjacent lots, buildings or streets in excess of 1-foot candle;
5. All exterior lighting luminaries shall be designed and installed to shield light from the luminaire at angles above 72 degrees from vertical;
6. Fixtures mounted on a building shall not be positioned higher than the roofline of the building;
7. Wooden utility type poles are acceptable only for temporary use during construction; and
8. All electrical service lines to posts and fixtures shall be installed underground and concealed inside the posts.

12.03.02 Utility Locations

Service lines and mechanical equipment for utilities shall be located in accordance with the following requirements:

1. Service Lines: All electrical, telephone, cable, and other similar utility lines serving the building and other site features shall be located underground.
2. Mechanical Equipment: All roof-mounted and ground-mounted electrical transformers, switching gears, relay boxes, meters, air conditioning units, heat pumps and other similar mechanical equipment shall be screened from view to the height of the equipment. Roof-mounted mechanical equipment shall be screened in such a manner that it will appear to be an integral part of the building's overall architectural design.

12.03.03 Stormwater Management

Stormwater management systems shall be designed in accordance with the requirements of the City of Valley Stormwater Management Policies, as amended. The site, including parking lots, shall be developed using best management practices approved by the City Engineer.

In some cases, the following tools may be appropriate only after approval of the City Engineer:

1. Bio-swales: Vegetated swales with amended soil backfill and underdrains to improve infiltration or filtration.
2. Native plantings: Use of native plants to reduce the need for irrigation and reduce runoff. Native plants also slow runoff and improve infiltration or filtration with their deep, fibrous root systems.
3. Rain gardens: Landscape depressions filled with amended, permeable soil and native, deep-rooted, moisture-tolerant plants to promote infiltration or filtration.

12.03.04 Parking Structures

Parking decks and ramps shall be designed in compliance with these design standards in order to appear compatible with and similar to other nonresidential buildings:

1. The ground floor facade abutting any public street or sidewalk shall be designed and architecturally detailed to resemble a commercial or office building.
2. Where possible, the ground floor abutting a public street or sidewalk should include commercial or office uses.
3. The design of upper floors shall ensure that sloped floors do not dominate the appearance of the facade.
4. Windows or openings shall be provided that mimic those of nearby buildings.

12.03.05 Parking Lot Layout

See Article 7 of these Regulations.

12.03.06 Sidewalks/Trails and Walkways

1. Continuous sidewalks a minimum of five feet wide shall be provided along all public street frontages.
2. Clearly defined and lighted pedestrian walkways shall extend between parking areas and all building entrances.
3. All sidewalks and walkways shall meet the ADA standards for accessibility.
4. Any designated trail shall be a minimum of eight feet in width.

Section 12.04 Landscaping and Screening Requirements

12.04.01 Intent

The landscaping and screening requirements of this section are intended to promote attractive and harmonious growth of the City. Landscaping is a fundamental component of property development. These provisions are intended to preserve and enhance property values by ensuring that yards, open spaces, parking lots and public rights-of-way are designed and maintained with respect to plants and landscape materials. This section also intends that property development should respect land capability and constraints, minimize erosion and destruction of natural amenities and reduce conflicts between lands and uses.

12.04.02 Application and Scope

No new structure, building or parking lot shall be constructed unless in compliance with the landscape and screening standards of this Article.

12.04.03 Landscape Area Requirements

1. Single-family and two-family dwellings shall maintain a minimum of 20 percent of lot area as a permeable and uncovered surface containing living material. Single-family and two-family dwellings shall be exempt from other requirements of Section 12.04.
2. All other uses shall provide and maintain a landscaped area that equals or exceeds the requirements of Section 12.04.

12.04.04 Site Landscaping

1. Major site plans shall include a landscaping plan indicating how existing topography, natural features, and vegetation will be integrated into the overall site development. A conceptual landscape plan shall be submitted and approved prior to final site plan approval. A detailed landscape plan shall be submitted and approved prior to the issuance of a Certificate of Occupancy. All landscape plans shall be prepared to show the information required by the Planning Services Department.
2. Street trees planted in the public right-of-way shall not be counted toward fulfillment of the minimum site requirements for number of trees.
3. Existing trees to be retained on site may be counted toward fulfillment of the landscaping requirements.
4. Parking lot landscaping requirement in Section 12.04.06 shall not be counted toward fulfillment of the minimum site landscaping.
5. The minimum required permeable area shall be 20 percent of the entire site under review.
6. The following is the minimum landscaping requirement of trees and shrubs, by number, and the type of ground cover required for the entire site under review. Plant species used for landscaping shall be in accordance with street tree and plant lists approved by the City.
 - A. Minimum tree planting requirements shall be one tree per 1,600 square feet of required permeable area. Minimum tree size shall be at least one and one-half inch caliper measured six inches from the base of the tree for a deciduous tree and six feet in height for a coniferous tree.
 - B. Minimum shrub requirements at the time of planting shall be six shrubs, or one shrub per 1,000 square feet of required permeable area, whichever is greater. Shrubs shall be a minimum of 18 inches in height or a minimum of three gallons potted.

12.04.05 Parking Lot Landscaping

1. A landscaped buffer strip shall be provided along the frontage of all surface parking areas at least 10 feet wide along the public right-of-way. The buffer strip shall consist of shade trees, low shrubs, perennial flowers, and/or other plant materials approved by the Building and Zoning Department. Landscaped earth berms and or decorative walls and fences are permitted provided they are integrated with the landscape screening described above. The use of bio-filtration methods of landscape and drainage design is encouraged.
2. A landscape buffer at least seven feet wide shall be provided along the remaining sides of all surface parking lots. This area shall be planted with any combination of shade trees, coniferous trees, and/or shrubs.
3. Parking lot landscaping and trees shall be dispersed throughout the parking lot as follows:
 - A. For single parking bays, landscaped islands shall provide at least one parking space of landscape area, measuring at least nine feet by 18 feet, and shall be planted with a combination of one tree, low shrubs, perennial flowers, turf, and/or ground cover/ornamental grasses but shall not be planted entirely with turf.
 - B. For double parking bays, both the end landscaped islands and the intermediate landscaped islands shall provide a double-parking space of landscape area, measuring at least nine feet by 36 feet, and shall be planted with a combination of one shade tree or two ornamental/dwarf trees, low shrubs, perennial flowers, turf, and/or ground cover/ornamental grasses measuring no more than three feet in height, but shall not be planted entirely with turf.
 - C. No tree, shrub, hedge, or berm shall be placed or encroach into an area the City Engineer determines is an obstruction to visibility, or extends into a visibility triangle affecting the public right-of-way.

12.04.06 Street Trees

1. Street trees shall be planted within a landscaped parkway or in tree pits within the sidewalk area according to the City of Valley policies on Street Trees.
2. Street trees planted within the sidewalk area shall be planted using best management practices.

12.04.07 Screening Requirements

1. All commercial and industrial uses that abut residential, office, or institutional districts, shall maintain screening not less than six feet along the abutting property line or lines.
2. Screening required by this ordinance shall be equivalent to the following:
 - A. Fences with at least 50 percent opaque construction; or
 - B. Hedges, shrubs or evergreen trees of at least 30 percent opacity at the time of installation and 50 percent opacity maintained within three years of installation; or
 - C. Berms or graded slopes of not less than three feet of mean height. Such berms or graded slopes shall contain at least 50 percent living material.

12.04.08 Exterior Trash Collection Areas

1. Exterior trash collection areas shall include collection bins, dumpsters, and similar waste receptacles for the short-term storage and collection of trash. Trash shall include garbage, scrap, recyclables, debris and similar materials.
2. The storage of trash shall be limited to that produced by the principal permitted use and accessory uses of the lot. Exterior storage of trash, which could be blown into the air or strewn about by the wind, shall be prohibited.
3. The ground area coverage of the exterior trash collection areas shall be the area contained inside the required screening.
4. Exterior trash collection areas shall be located in rear or side yards only. Exterior trash collection areas shall not encroach into a front yard. The Building and Zoning Department may grant a waiver to this requirement when, due to topographic conditions or lack of a side or rear yard, conformance with this requirement is impractical.
5. All exterior trash collection areas and the materials contained therein shall be screened from view from the adjacent public right-of-way.
6. The screening shall be a completely opaque fence, wall or other feature of a height between six and 10 feet measured from the ground level outside the line of the screen. Screens built on sloping grades shall be stepped so that their top line shall be horizontal. If a 10-foot-high screen fails to shield the exterior trash collection area from view of the adjacent public right-of-way, evergreen plantings may be required in addition to the screening. Evergreen plant materials shall be selected and designed so that they will screen the area from the adjacent public right-of-way within five years.
7. Exposed materials used to construct the opaque screen shall be similar in appearance to materials used for exterior building walls. All exterior entrances to a screened trash area shall be provided with a gate or door of similar design to that of the screen.

12.04.09 Exterior Storage in Nonresidential Districts

Screening for exterior storage is intended to buffer surrounding property from the negative visual impact created by the storage of raw or finished goods, materials and equipment that can adversely impact the value of adjacent property. Exterior storage areas shall conform to the following:

1. Exterior storage of materials which could be blown into the air or strewn about by the wind shall be prohibited.
2. Exterior storage, where allowed, shall be screened from view from the adjacent public right-of-way and abutting residential districts or uses to a minimum height of six feet.
3. The screening height shall be measured from the ground level outside the line of the screening. Screens built on sloping grades shall be stepped so that their top line shall be horizontal.
4. Exterior storage shall not encroach to a front yard.
5. All exterior entrances to a screened storage area shall be provided with a gate or door of similar design to that of the screen.
6. The Building and Zoning Department may grant a waiver to allow screening to exceed the maximum height allowed when topography or height of individual finished products or equipment could make it impossible to completely screen a storage area from every vantage point. The Building and Zoning Department may not grant waivers to the maximum screening height for raw materials or stacked goods.
7. Long-term storage of products or materials in semi-trailers or shipping containers is permitted only by the issuance of a Conditional Use Permit.

12.04.10 Installation, Maintenance, and Replacement of Landscaping and Screening

1. Plantings shall be installed prior to the issuance of a Certificate of Occupancy unless seasonal conditions exist that may reduce the survivability of the plantings, in which case the plantings shall be installed within six months of the issuance of a Certificate of Occupancy.
2. Plantings shall be properly maintained in a healthy manner. Plantings that become diseased or die shall be replaced with similar plant materials. Replacement plantings shall be installed during the same or immediately following planting season.
3. All required screening and fencing shall be maintained and, whenever necessary, replaced in accordance with the provisions of this Article.

Section 12.05 Design Standards for Designated Commercial Areas

Any retail commercial uses or regional shopping centers or within any designated district, the applicant shall submit building elevations for review by the City. Any structure existing at the time of adoption of this Code which is expanded for retail commercial use by 25 percent or more to the building area shall be subject to these Design Standards. In addition to the site design standards set forth herein, big box retail uses shall comply with the following standards:

1. Definitions of Facades. For purposes of this section, the façades of a building shall be defined as follows:
 - A. Façade. The portion of any exterior elevation on the building extending from grade to the top of the parapet, wall or eaves and extending the entire length of the building.
 - B. Front façade. The front or principal face of a building, containing the main entrance; any building face, which can be touched by a line drawn perpendicular to street (public or private).
 - C. Side façade. The face of a building extending from the front façade to the rear façade of the building.
 - D. Rear façade. The face of a building extending along the rear of the lot or site, containing employee and service entrances, loading docks, etc.
2. Façade Design. The building facades shall be designed in a way that will reduce the massive scale and minimize a uniform and impersonal appearance of the building, and that will provide visual interest consistent with the community's identity, character, and scale.
 - A. Façades of 100 feet or longer shall be broken up with projections or recessions not less than five feet in depth, and in sufficient number, to reduce the unbroken massing into lengths of 40 feet or less along all sides of the building. Projections from the facade can be used as an alternate approach.
 - B. The front façade shall include windows, arcades, awnings, projecting canopies, covered walkways, porticos, or other acceptable features along at least 60 percent of the front façade length and over at least 25 percent of the front façade area.
 - C. Except for entrances to the building, any part of the front façade higher than 11 feet shall give the visual exterior appearance of having more than one floor for each additional 11 feet in height, i.e., a 22-foot-high building shall give the appearance of a two-story building.
 - D. Arcades and other weather protection features shall be of sufficient depth and height to provide a light-filled and open space along the front façade. Architectural treatment, similar to that provided to the front façade, shall be provided to the side façades to mitigate any negative view from any location off-site and any public area (e.g. parking lots, walkways, etc.) on site.
 - E. A landscape buffer of evergreens approved by the City Council shall be required along the property line to screen service areas and rear facades from the adjacent property.
3. Detail features. The building shall include architectural features that contribute to visual interest at the pedestrian scale and reduce the massive aesthetic effect by breaking up the building wall, front, and side, with color, texture change, wall offsets, reveals, or projecting ribs.
4. Roofs. The roof design shall provide variations in rooflines, add interest to, and reduce the massive scale of, large buildings. Roofs shall include two or more roof planes. Parapet walls shall be architecturally treated to avoid a plain, monotonous look.
5. Maximum Parking:
 - A. The maximum number of off-street parking spaces allowed shall be equal to 125 percent of the required minimum number of spaces.
 - B. Parking spaces in excess of the maximum number permitted may be allowed, provided:
 - i. Each parking space provided in excess of the maximum number allowed shall be paved with a permeable paving material approved by the City; or
 - ii. For each parking space provided in excess of the maximum number allowed, 300 square feet of additional on-site green space shall be provided and maintained with landscaping; or

- iii. For each parking space provided in excess of the maximum number allowed, 300 square feet of green roof shall be provided and maintained. A green roof is herein defined as a roof of a building that is covered with vegetation and soil, or a growing medium, planted over a waterproofing membrane. It may also include additional layers such as a root barrier and drainage and irrigation systems. Unhealthy or dead vegetation shall be removed within seven days and replaced with suitable new plant materials at the earliest practical time, but not longer than nine months, based on the appropriate season.
6. Materials and color. The building shall have exterior building materials and colors that are aesthetically pleasing and compatible with materials and colors that are used in adjoining neighborhoods. This includes the use of high-quality materials and colors that are low reflective, subtle, neutral, or earth tone. Certain types of colors shall be avoided such as fluorescent or metallic although brighter colors in limited quantities may be used on building trim and as accents at the discretion of the City Council. Construction materials such as tilt-up concrete, smooth-faced concrete block, prefabricated steel panels, and other similar materials shall be avoided unless the exterior surface incorporates an acceptable architectural treatment. Not less than 75 percent of the front of the building and 50 percent of the sides of the building shall be brick, stone, textured CMU, or other acceptable durable modern materials as approved by the City.
7. Entryways. The building design shall provide design elements which clearly indicate to customers where the entrances are located and which add aesthetically pleasing character to buildings by providing highly-visible customer entrances.
8. Amenities. The building site shall include at least one public gathering space, such as a patio seating area, pedestrian plaza with benches, outdoor play area, and not less than two public space amenities, such as kiosks, a water feature, a clock tower, or a landscaped site for public artwork. Pedestrian public space shall be shaded, landscaped, and screened. The size of the public gathering space shall not be less than one percent of the gross enclosed building area.
9. Any conflict between these standards and the CMD Ordinance shall be resolved in favor of the stricter standard.
10. In determining whether the plan complies with the above standards, the City Council may accept alternative or substitute features which have a comparable aesthetic and visual effect in light of the location and topography of a particular site.

Article 13: Board of Adjustment

Section 13.01 Members, Terms and Meetings

Pursuant to Neb. Rev. Stat. §19-908 (R.R.S. 1997): The Board of Adjustment 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 for any reason, each to be appointed for a term of three years and removable for cause by the appointing authority upon written charges and after public hearings. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. One member only of the Board of Adjustment shall be appointed from the membership of the Planning Commission, and the loss of membership on the Planning Commission by such member shall also result in his or her immediate loss of membership on the Board of Adjustment and the appointment of another Planning Commissioner to the Board of Adjustment. The first vacancy occurring on the Board of Adjustment shall be filled by the appointment of a person who resides in the extraterritorial zoning jurisdiction of the City at such time as more than two hundred persons reside within such area. Thereafter, at all times, at least one member of the Board of Adjustment shall reside outside of the corporate boundaries of the City but within its extraterritorial zoning jurisdiction. The Board of Adjustment shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to sections 19-901 to 19-914. Meetings of the board shall be held at the call of the chairperson and at such other times as the board may determine. Such chairperson, or in his or her absence the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

Section 13.02 Appeals to Board, Record of Appeal, Hearings and Stays

As provided in Neb. Rev. Stat. §19-909 (R.R.S. 1997): Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the City affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the officer from whom appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment, after the notice of the appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record in application on notice to the officer from whom the appeal is taken and on due cause shown. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties, in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or attorney.

Section 13.03 Powers and Jurisdiction on Appeal

The Board of Adjustment shall have the following powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official or agency based on or made in the enforcement of any zoning regulation or any regulation relating to the location or soundness of structures; and
2. To hear and decide, in accordance with the provisions of this Ordinance, requests for interpretation of any map, or for decisions upon other special questions upon which the Board is authorized by this Ordinance to pass; and
3. To grant variances, where by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of enactment of this Ordinance, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation under this Ordinance would result in peculiar and exceptional practical difficulties to or exceptional and undue hardships upon the owner of such property, to authorize, upon an appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardship, if such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Ordinance.

No such variance shall be authorized by the Board unless it finds that:

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

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

Section 13.04 Appeals to District Court

Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment may appeal as provided by Neb. Rev. Stat. §19-912, (R.R.S.1997).

Article 14: Amendments and Application Process

Section 14.01 Purpose

The Amendment Article describes the methods by which changes may be made in the text of the Zoning Ordinance (text amendment) and/ or the official boundaries of zoning districts (rezoning).

Section 14.02 Initiation of Amendments

1. Text Amendments

Text amendments may be initiated by an applicant, the Planning Commission, or the City Council.

2. Map amendments

Map amendments may be initiated by a property owner or authorized agent, the Planning Commission, or the City Council

Section 14.03 Amendment Application Requirements

An application for a Rezoning may be filed by the owner(s) of a property or the owners' authorized agent with the Planning Commission. The application must be filed, and all plans must be submitted, at least 30 days prior to the scheduled meeting of the Planning Commission at which the application is to be heard. The application shall include the following information:

1. Name and address of the applicant.
2. Owner, address and legal description of the property.
3. A description of the reason for the rezoning application and the nature and operating characteristics of the proposed use.
4. Payment of any and all fees.
5. Any graphic information, including site plans, elevations, other drawings, or other materials determined by the Planning Commission to be necessary to describe the proposed use to approving agencies. The site plan, should be drawn to scale sufficient to permit adequate review and dimensioned as necessary, showing at least the following information:
 - A. The date, scale, north point, title, name of owner, and name of person preparing the site plan.
 - B. The location and dimensions of boundary lines, easements, and required yards and setbacks of existing and proposed buildings and site improvements.
 - C. The location, size, and use of proposed and existing structures on the site.
 - D. The location of all proposed site improvements, including parking and loading areas, pedestrian and vehicular access, sewers, sidewalks, utilities, service areas, fencing, screening, landscaping, and lighting.
 - E. Location of any major site feature, including drainage and contours at no greater than five-foot intervals.

Section 14.04 Amendment Procedures

Regulations, restrictions, and boundaries authorized to be created pursuant to Neb. Rev. Stat. §§ 19-901 to 19-915 may from time to time be amended, supplemented, changed, modified, or repealed.

1. Public Hearing.

The Planning Commission and City Council shall each hold a public hearing on any proposed amendment. The Public Hearings shall be held at a reasonable hour and place for such public hearing, and they shall hold said hearings at the next regular meeting after proper notification of adjacent property owners.

2. Planning Commission Review

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

3. Notice of Hearings.

Public notice of hearing on a proposed amendment shall be published once in the official City newspaper and at least ten days shall elapse between the date of publication and the date set for such hearing. Such notice shall state the date, time and place of the hearing and shall contain a statement regarding the proposed change in regulations or restrictions or the zoning classification or zoning district boundaries of the property.

The provisions of Neb. Rev. Stat. § 19-904 relative to public hearings and official notice shall apply equally to all changes or amendments. In addition to the publication of the notice therein prescribed, a notice shall be posted in a conspicuous place on or near the property on which action is pending. Such notice shall not be less than 18 inches in height and 24 inches in width with a white or yellow background and black letters not less than one and one-half inches (1-1/2) in height. Such posted notice shall be so placed upon such premises that it is easily visible from the street nearest the same and shall be so posted at least 10 days prior to the date of such hearing. It shall be unlawful for anyone to remove, mutilate, destroy, or change such posted notice prior to such hearing. Any person so doing shall be deemed guilty of a misdemeanor.

If the record title owners of any lots included in such proposed change be nonresidents of the municipality, then a written notice of such hearing shall be mailed by certified mail to them addressed to their last-known addresses at least ten days prior to such hearing.

At the option of the legislative body of the municipality, in place of the posted notice provided above, the owners or occupants of the real estate to be zoned or rezoned and all real estate located within 300 feet of the real estate to be zoned or rezoned may be personally served with a written notice thereof at least 10 days prior to the date of the hearing, if they can be served with such notice within the county where such real estate is located. Where such notice cannot be served personally upon such owners or occupants in the county where such real estate is located, a written notice of such hearing shall be mailed to such owners or occupants addressed to their last-known addresses at least 10 days prior to such hearing.

4. Protests.

In case of a protest against such change, signed by the owners of 20 percent or more either of the area of the lots included in such proposed change, or of those immediately adjacent on the sides and in the rear thereof extending 300 feet there from, and of those directly opposite thereto extending 300 feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of three-fourths (3/4) of all the members of the legislative body of such municipality.

The provisions of this section in reference to notice shall not apply (1) in the event of a proposed change in such regulations, restrictions, or boundaries throughout the entire area of an existing zoning district or of such municipality, or (2) in the event additional or different types of zoning districts are proposed, whether or not such additional or different districts are made applicable to areas, or parts of areas, already within a zoning district of the municipality, but only the requirements of Neb. Rev. Stat. § 19-904 shall be applicable.

Section 14.05 Building Inspector

The provisions of this Ordinance shall be administered and enforced by a Building Inspector as appointed by the City Council, who shall have the power to make inspection of buildings or premises necessary to carry out his or her duties in the enforcement of this Ordinance.

Section 14.06 Zoning Permits

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

1. It shall be unlawful to commence the excavation for the construction of any building, or any accessory buildings, or to commence the moving or alteration of any buildings, including accessory buildings, until the Building Inspector has issued a joint building and zoning permit for such work.
2. Issuance of a zoning permit. In applying to the Building Inspector for a zoning permit, the applicant shall submit a dimensioned sketch or a scale plan indicating the shape, size and height and location of all buildings to be erected, altered or moved and of any building already on the lot. He shall also state the

existing and intended use of all such buildings, and supply such other information as may be required by the Building Inspector for determining whether the provisions of this Ordinance are being observed. If the proposed excavation or construction as set forth in the application is in conformity with the provisions of this Ordinance, and other Ordinances of the City then in force, the Building Inspector shall issue a zoning permit for such excavation or construction. If a zoning permit is refused, the Building Inspector shall state such refusal in writing, with the cause, and shall immediately thereupon mail notice of such refusal to the applicant at the address indicated upon the application. The Building Inspector shall grant or deny the permit within a reasonable time from the date the application is submitted. The issuance of a permit shall, in no case, be construed as waiving any provisions of this Ordinance. A zoning permit shall become void 12 months from the date of issuance unless substantial progress has been made by that date on the project described therein.

Section 14.07 Certificate of Occupancy

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

Section 14.08 Penalties

Pursuant to Neb. Rev. Stat. § 19-913, the owner or agent of a building or premises in or upon which a violation of any provisions of this Ordinance has been committed or shall exist or lessee or tenant of an entire building or entire premises in or upon which violation has been committed or shall exist, or the agent, architect, building contractor or any other person who commits, takes part or assists in any violation or who maintains any building or premises in or upon which such violation shall exist, shall be guilty of a misdemeanor and shall be punished by a fine not to exceed 100 dollars for any one offense. Each day of non-compliance with the terms of this Ordinance shall constitute a separate offense.

Section 14.09 Remedies

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure, or land is used in violation of Neb. Rev. Stat. §§ 19-901 to 19-914, or this Ordinance, or any regulation made pursuant to said sections, the appropriate authorities of the City may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.

Article 15: Legal Status Provisions

Section 15.01 Severability

Should any article, section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 15.02 Purpose of Catch Heads

The catch heads appearing in connection with the foregoing sections are inserted simply for convenience, to serve the purpose of any index and they shall be wholly disregarded by any person, officer, court or other tribunal in construing the terms and provisions of this Ordinance.

Section 15.03 Repeal of Conflicting Ordinances

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

Section 15.04 Effective Date

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

ADOPTED AND APPROVED by the Governing Body of Valley, Nebraska,

This _____ day of _____, 2018.

(Seal)

ATTEST: _____
City Clerk

Mayor