

City of Red Cloud Land Development Ordinance

Zoning Chapter

Prepared for the
City of Red Cloud, Nebraska

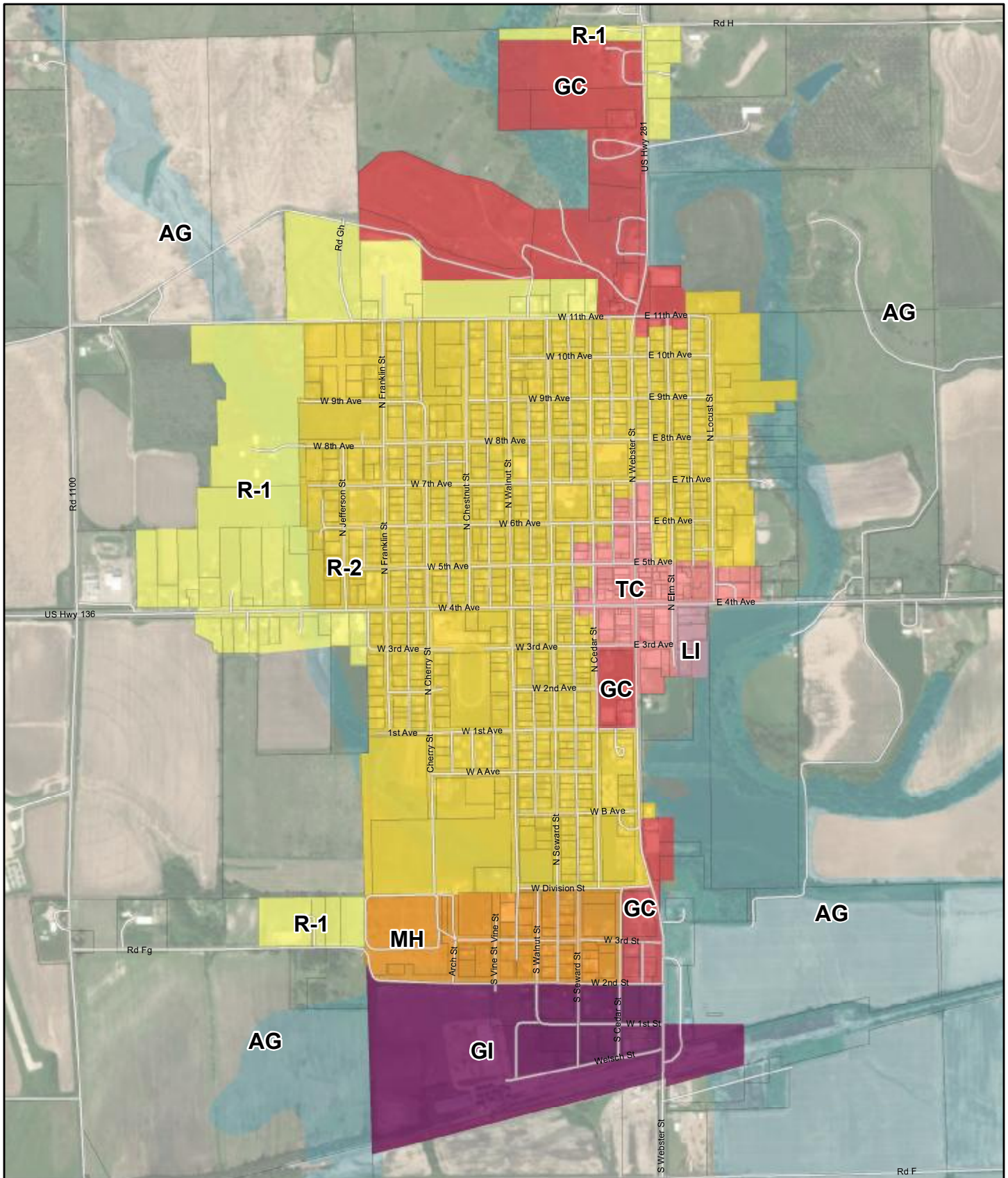
February 8, 1999

by

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Omaha, Nebraska and Des Moines, Iowa

Updated 5.5.2020 by South Central
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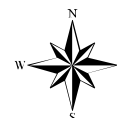
- Single Family Residential *R-1*
- Urban Family Residential *R-2*
- Mobile Home Residential *MH*
- Town Center *TC*
- General Commercial *GC*
- Light Industrial *LI*
- General Industrial *GI*
- Agricultural *AG*

City of Red Cloud, NE

Zoning Districts

1:14,700

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Miles



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ARTICLE 1: GENERAL PROVISIONS

30.101 Title: This title of the Red Cloud Municipal Code shall be known as the Zoning Ordinance of the City of Red Cloud.

30.102 Jurisdiction: The provisions of this chapter shall be applicable to all property within the corporate limits of the City of Red Cloud and its extra territorial jurisdiction provided by Section 17, Revised Statutes of Nebraska, 1934; and Section 23-114. Revised Statutes of Nebraska, 1943.

30.103 Purpose: The purposes of the Zoning Ordinance of the City of Red Cloud are to:

- a. Serve the public health, safety, and general welfare of the City and its jurisdiction.
- b. Classify property in a manner that reflects its suitability for specific uses.
- c. Provide for sound, attractive development within the City and its jurisdiction.
- d. Encourage compatibility of adjacent land uses.
- e. Protect environmentally sensitive areas.
- f. Further the objectives of the Comprehensive Development Plan of the City of Red Cloud.

30.104 Application: No building, structure, or land, with the exception of agricultural related buildings, shall be constructed, reconstructed, moved, structurally altered, used, or occupied, except as provided by this Ordinance.

30.104 Consistency with Comprehensive Plan: The City of Red Cloud intends that this Zoning Ordinance and any amendments to it shall be consistent with the City's Comprehensive Plan. It is the City's intent to amend this Ordinance whenever such action is deemed necessary to keep regulatory provisions in conformance with the Comprehensive Plan.

30.105 Conflicting Provisions: The Zoning Ordinance shall be held to provide the minimum requirements necessary for the promotion of the public health, safety, and welfare. If any provision of the Zoning Ordinance conflicts with any other provision of the Zoning Ordinance, any other ordinance of the City of Red Cloud or any applicable State or Federal law, the more restrictive provision shall apply.

30.106 Relief from Other Provisions: Nothing in these provisions shall relieve any property owner or user from satisfying any condition or requirement associated with a previous approval, special permit, variance, development permit, or other permit issued under any local, State, or Federal ordinance or statute.

30.107 Severability of Provision: If any article, section, clause, or phrase of this Zoning Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

30.108 Publication: This Ordinance shall be published in book or pamphlet form, and shall together with the maps being a part hereof, be filed with the City Clerk of the City of Red Cloud, Nebraska.

ARTICLE 2: DEFINITIONS

31.201 Purpose: Article 2 shall be known as the Definitions. The purpose of these provisions is to promote consistency and precision in the interpretation of the Zoning Ordinance. The meaning and construction of words as set forth shall apply throughout the Zoning Ordinance, unless where modified in a specific Article or where the context of such words or phrases clearly indicates a different meaning or construction.

31.202 General Construction of Language: The following general rules of construction apply to the text of the Zoning Ordinance.

- a. Headings: Section and subsection headings contained herein are provided for illustrative purposes only and shall not be deemed to limit, govern, modify, or otherwise affect the scope, meaning, or intent of any provision of the Zoning Ordinance.
- b. Illustration: 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.
- c. Shall and May: "Shall" is always mandatory; "may" is discretionary.
- d. Tenses and Numbers: Words used in the present tense include the future tense. Words used in the singular include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- e. Conjunctions: Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:
 1. "And" indicates that all connected items or provisions apply.
 2. "Or" indicates that the connected items or provisions may apply singly or in any combination.
 3. "Either ... or" indicates that the connected items or provisions shall apply singly, but not in combination.
- f. Referenced Agencies: Unless otherwise indicated, all public officials, bodies, and agencies referred to in this Chapter are those of the City of Red Cloud.

31.203 Definition of Terms: For the purposes of this Zoning Ordinance, certain terms and words are hereby defined. Certain sections contain definitions which are additional to those listed here. Where terms are

not specifically defined, their ordinarily accepted meaning or meanings implied by their context shall apply.

31.204 A

1. **Abutting:** Having lot lines or district boundaries in common, including property separated by a public street or alley, used interchangeably with adjacent.
2. **Accessory Structure:** A structure which is incidental to and customarily associated with a specific principal use or building on the same site.
3. **Accessory Use:** A use which is incidental to and customarily associated with a specific principal use on the same site.
4. **Addition:** Any construction which increases the size of a building or structure in terms of site coverage, height, length, width, or gross floor area.
5. **Agent of Owner:** Any person showing written verification that he/she is acting for, and with the knowledge and consent of, a property owner.
6. **Alley:** A public right of way, other than a street, and twenty feet or less in width which is used as a secondary means of access to abutting property.
7. **Alteration:** Any construction or physical change in the internal arrangement of spaces, the supporting members, the positioning on a site, or the appearance of a building or structure.
8. **Apartment:** A housing unit within a building designed for and suitable for occupancy by only one family. Apartments are generally located within multi-family residential buildings.
9. **Attached:** Having one or more walls in common with a principal building or connected to a principal building by an integral architectural element, such as a covered passageway, facade wall extension, or archway.

31.205 B

1. **Base Zoning District:** A district established by this Ordinance which prescribes basic regulations governing land use and site development standards. No more than one Base Zoning District shall apply to any individually platted lot or parcel unless the lot or parcel is part of a Planned Unit Development.

2. **Basement:** A level of a building below street level that has at least one-half of its height below the surface of adjacent ground. A basement used for independent dwelling or business purposes shall be considered a story for the purposes of height measurement.
3. **Beginning of Construction:** The initial incorporation of labor and materials within the foundation of a building or structure.
4. **Block:** An area of land within a subdivision that is entirely bounded by streets, by streets and the exterior boundaries of the subdivision, or by a combination of the above with a watercourse or lake, and which has been designated as such on a plat for the purposes of legal description of a property.
5. **Block Face:** The property abutting one side of a street and lying between the two nearest intersection streets, or between the one nearest intersecting street and a major physical barrier, including, but not limited to, railroads, streams, lakes, or the corporate limits of Red Cloud.
6. **Board of Adjustment:** As set forth in the Red Cloud Code Section 2-203, a body established by the City expressly for the purpose of granting relief from situations of hardship and to hear appeals.
7. **Bufferyard:** A landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.
8. **Building:** A structure entirely separated from any other structure by space or by walls and having a roof and built to provide shelter, support, or enclosure for persons or property.
9. **Building Coverage:** The area of a site covered by buildings or roofed areas, excluding allowed projecting eaves, balconies, and similar features.
10. **Building Envelope:** 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.
11. **Building Line:** The outer boundary of a building established by the location of its exterior walls.
12. **Building Official:** The designee of the City Council, who is responsible for the enforcement of the applicable building code and conditional uses.
13. **Building Permit:** A document that must be issued by the Building Official

prior to erecting, constructing, enlarging, altering, repairing, moving, improving, removing, converting, or demolishing any building or structure regulated by this Ordinance or by the applicable building codes of the City of Red Cloud. Issuance of a building permit follows review of plans by the Building Official to determine that the proposed use of building or land complies with the provisions of the Zoning Ordinance.

14. **Business:** Activities that include the exchange or manufacture of goods or services on a site.
15. **Business Center:** A building containing more than one commercial business, or any group of non-residential buildings within a common development, characterized by shared parking and access.

31.206 C

1. **Certificate of Occupancy:** An official certificate issued by the Building Official or his/her designee prior to occupancy of a completed building or structure, upon finding of conformance with the applicable building code and this Zoning Ordinance.
2. **Change of Use:** The replacement of an existing use by a new use.
3. **Cluster:** 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.
4. **City:** The City of Red Cloud, Nebraska.
5. **City Council:** The City Council of Red Cloud, Nebraska.
6. **Collector Street:** A street connecting neighborhoods within the same communities, designed to carry traffic from local to arterial streets.
7. **Common Area:** An area held, designed, and designated for common or cooperative use within a development.
8. **Common Development:** A development proposed and planned as one unified project not separated by a public street or alley.
9. **Common Open Space:** 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.
10. **Compatibility:** The degree to which two or more different land use types are able to exist together in close proximity, with no one use having significant negative effects on any other use.

11. **Comprehensive Plan:** The duly adopted Comprehensive Development Plan of the City of Red Cloud.
12. **Conditional Use:** A use with operating and/or physical characteristics different from uses permitted by right in a given zoning district which may, nonetheless, be compatible with those uses under special conditions and with adequate public review. Conditional uses are allowed in a zoning district only at the discretion of and with the explicit permission of the Planning Commission.
13. **Condominium:** A real estate ownership arrangement that combines fee simple title to a specific unit and joint ownership in common elements shared with other unit owners. Types of units may include dwelling units, parking spaces, office spaces, or commercial spaces.
14. **Conservation Development:** 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.
15. **Conservation Subdivision:** 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.
16. **County:** Webster County, Nebraska.
17. **Court (or Lane):** An approved private right-of-way which provides access to residential properties and meets at least three of the following conditions:
- (a) Serves twelve or fewer housing units or platted lots.
 - (b) Does not function as a local street because of its alignment, design, or location.
 - (c) Is completely internal to a development.
 - (d) Does not exceed 600 feet in length.
18. **Courtyard:** An open, unoccupied space, bounded on two or more sides by the walls of the building.
19. **Conventional Subdivision:** A subdivision which literally meets all nominal standards of the Land Development Ordinance for lot

dimensions, setbacks, street frontage, and other site development regulations.

20. **Creative Subdivision:** A subdivision which, 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.

31.207 D

1. **Density:** The: amount of development per specific unit of a site.
2. **Drive-in Services:** Uses which involve the sale of products or provision of services to occupants in vehicles.
3. **Detached:** Fully separated from any other building or jointed to another building in such a manner as not to constitute an enclosed or covered connection.
4. **Driveway:** A permanently paved, surfaced area providing vehicular access between a street and an off-street parking or loading area.
5. **Dwelling Unit:** One or more rooms, designed, occupied or intended for occupancy as a separate living quarter, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

31.208 E

1. **Easement:** A privilege or right of use granted on, above, under, or across a particular tract of land for a specific purpose by one owner to another owner, public or private agency, or utility.
2. **Enclosed:** A roofed or covered space fully surrounded by walls.

31.209 F

1. **Family:** One or more persons living together and sharing common living, sleeping, cooking, and eating facilities within an individual housing unit, no more than three of whom may be unrelated. The following persons shall be considered related for the purpose of this Ordinance:
 - (a) Persons related by blood, marriage, or adoption;
 - (b) Persons residing with a family for the purpose of adoption;

(c) Not more than eight persons under 19 years of age, residing in a foster house licensed or approved by the State of Nebraska.

(d) 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.

(e) Person(s) living with a family at the direction of a court.

2. **Fascia:** A parapet-type wall used as part of the facade of a flat-roofed building and projecting no more than six feet from the immediately adjacent building face. Such a wall shall enclose at least three sides of the projecting flat roof and return to the parapet wall or the building.
3. **Federal:** Pertaining to the government of the United States of America.
4. **Floor Area Ratio:** The quotient of gross floor area divided by gross site area.
5. **Frontage:** The length of a property line of any one premise abutting and parallel to a public street, private way, or court.

31.210 G

1. **Grade:** The horizontal elevation of the finished surface of ground, paving, or sidewalk adjacent to any building line.
 - (a) For buildings having walls facing one street only, the grade shall be the elevation of the sidewalk at the center of the wall facing the street.
 - (b) 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.
 - (c) 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.
2. **Gross Floor Area (gfa):** 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.

31.211 H

1. **Height:** The vertical distance from the established grade to the highest

point of the coping of a flat roof, the deck line of a mansard roof, or to the average height between eaves and the ridge for gable, hip, shed, or gambrel roofs. For other cases, height shall be measured as the vertical distance from the established grade to the highest point of a structure as herein defined. Where a building or structure is located on a slope, height shall be measured from the average grade level adjacent to the building or structure.

2. **Home Based Business/Home Occupation:** An accessory occupational use conducted entirely within a dwelling unit by its inhabitants, which is clearly incidental to the residential use of the dwelling unit or residential structure and does not change the residential character of its site.
3. **Housing Unit or Dwelling Unit:** A building or portion of a building arranged for and intended for occupancy as an independent living facility for one family, including permanent provisions for cooking.

31.212 I

1. **Impervious Coverage:** 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.

31.213 J

31.214 K

31.215 L

1. **Landscaped Area:** 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.
 - (a) **Perimeter Landscaped Area:** Any required landscaped area that adjoins the exterior boundary of a lot, site, or common development.
 - (b) **Interior Landscaped Area:** Any landscaped area within a site exclusive of required perimeter landscaping.
2. **Loading Area:** An off-street area used for the loading or unloading of goods from a vehicle in connection with the use of the site on which such area is located.

3. **Lot:** A parcel of property with a separate and distinct number or other identifying designation which has been created, assigned, and recorded in the Office of the Webster County Register of Deeds. Each individual lot is subject to the provisions of a particular base Zoning District and shall have a minimum frontage of 20 feet, except as provided in an approved Planned Unit Development and/or Creative Subdivision.
- (a) **Corner Lot:** A lot located at the junction of at least two streets, private ways or courts, or at least two segments of a curved street, private way or court, at which the angle of intersection is no greater than 135 degrees.
- (b) **Double Frontage Lot:** A lot, other than a corner lot, having frontage on two streets, private ways or courts. Primary access shall be restricted on a double frontage lot to the minor of the two streets or to the front line as determined at time of platting or as defined by this Ordinance. (Also known as a Through Lot)
- (c) **Interior Lot:** A lot other than a corner lot.
- (d) **Common Development Lot:** When two or more contiguous lots are developed as part of a Planned Unit Development, these lots may be considered a single lot for purposes of this Ordinance.
4. **Lot Area:** The total horizontal area within the lot lines of a lot.
5. **Lot Depth:** The mean horizontal distance measured between the front and rear lot lines.
6. **Lot Line:** A property boundary line(s) of record that divides one lot from another lot or a lot from the public or private street right-of-way or easement. Once established, lot lines may not be redefined due to a change of address which would result in a new definition of the prior defined lot lines.
- (a) **Front Lot Line:** The lot line separating a lot and a public or private street right-of-way or easement.
- 1) For an interior lot, the lot line separating the lot from the right-of-way or easement.
- 2) For a corner lot, the shorter lot line abutting a public or private street or easement. In instances of equal line dimension, the front lot line shall be determined by the Building Official, or as may be noted on the final plat.
- 3) For a double frontage lot, the lot lines separating the lot from

the right-of-way or easement of the more minor street. In cases where each street has the same classification, the front lot line shall be determined by the Building Official at the time of application for the original building permit for the lot, or as may be noted on the final plat.

(b) **Rear Lot Line:** The lot line which is opposite and most distant from the front line.

(c) **Side Lot Line:** Any lot line that is neither a front nor rear lot line. A side lot line separating a lot from a street, private way or court, is a street side lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

7. **Lot Width:** The horizontal distance measured between the side lot lines of a lot, at right angles to its depth along a straight line parallel to the front lot line at the minimum required setback line.

31.216 M

1. **Manufactured Home Dwelling:** 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; does not have permanently attached to its body or frame any wheels or axles; bears a label certifying that it was built in compliance with the National Manufactured Home Construction and Safety Standards promulgated by the U.S. Department of Housing and Urban Development; and which complies with the following architectural and aesthetic standards:

(a) The home shall have an exterior width of 18 feet, with a minimum square footage limit of 900 square feet (Neb. Rev. Stat. § 19-902);

(b) The roof shall be pitched with a maximum vertical rise of 2.5 inches for each 12 inches of horizontal run.

(c) The exterior material is of a color, material, and scale comparable with those existing in the residential site on which the manufactured home dwelling is being permanently installed;

(d) The home shall have a nonreflective roof material which is or simulates asphalt or wood shingles, tile, or rock;

(e) Permanent utility connections shall be installed in accordance with local regulations;

(f) The home shall have all wheels, axles, transporting lights, and towing apparatus removed; and

(g)The home shall be installed upon a permanent foundation that is constructed and built in accordance with local regulations.

2. **Mixed Use Building:** 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.
3. **Mixed Use Development:** A single development which incorporates complementary land use types into a single development.
4. **Mobile Homes:** A building type designed to be transportable in one or more sections, constructed on a permanent chassis or undercarriage, and designed to be used as a dwelling unit or other use with or without a permanent foundation when connected to the required utilities, but not bearing a seal attesting to the approval and issuance of the Nebraska Department of Health or conformance to the manufactured home procedural and enforcement regulations, as adopted by the U.S. Department of Housing and Urban Development; or not otherwise satisfying the definition of Manufactured Home Dwellings.
5. **Mobile Home Park:** A unified development under single ownership, developed, subdivided, planned, and improved for the placement of mobile home units for non-transient use. Mobile Home Parks include common areas and facilities for management, recreation, laundry, utility services, storage, storm shelter, and other services; but do not include mobile home sales lots on which unoccupied mobile homes are parked for the purposes of display, inspection, sale, or storage.
6. **Mobile Home Subdivision:** A development subdivided, planned, and improved for the placement of mobile home units on lots for uses by the individual owners of such lots. Mobile Home Subdivisions may include common areas and facilities for management, recreation, laundry, utility services, storage, storm shelter, and other services; but do not include mobile home sales lots on which unoccupied mobile homes are parked for the purpose of display, inspection, sale, or storage.

31.217 N

1. **Nonconforming Development:** A building, structure, or improvement which does not comply with the regulations for its zoning district set forth by this Zoning Ordinance, but which complied with applicable regulations at the time of construction.
2. **Nonconforming Lot:** 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.

3. **Nonconforming Sign:** 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.
4. **Nonconforming Structure:** 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 non-conforming characteristics of the structure.
5. **Nonconforming Use:** A land use 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 land use.
6. **Nuisance:** An unreasonable and continuous invasion of the use and enjoyment of a property right which a reasonable person would find annoying, unpleasant, obnoxious, or offensive.

31.218 O

1. **Open Space:** Area included on any site or lot that is open and unobstructed to the sky, except for allowed projections of cornices, overhangs, porches, balconies, or plant materials.
2. **Outdoor Storage:** The storage of materials, parts, or products that are related to the primary use of a site for a period exceeding three days.
3. **Overlay District:** A district established by this Ordinance to prescribe special regulations to be applied to a site only in combination with a base district.
4. **Owner:** An individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to seek development of land.

31.219 P

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

parking structures. Vehicle storage is distinct from parking, and is regulated by provisions in Sections 32.307(b), 32.308, 32.309(j) and **Table 4-2**. Vehicle storage is also governed by provisions of Article 9: Parking Regulations.

2. **Parking Spaces:** An area on a lot and/or within a building, intended for the use of temporary parking of a personal vehicle. This term is used interchangeably with "parking stall". Each parking space must have a means of access to a public street. Tandem parking stalls in single family detached, single family attached, and townhome residential uses, shall be considered to have a means of access to a public street.
3. **Paved:** Permanently surfaced with poured concrete, concrete pavers, or asphalt.
4. **Permitted Use:** A land use type allowed as a matter of right in a zoning district, subject only to special requirements of this Zoning Ordinance.
5. **Planning Commission:** The Planning Commission of the City of Red Cloud.
6. **Planned Unit Development (PUD):** A development of land which is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.
7. **Porch, Unenclosed:** 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.
8. **Premises:** A lot, parcel, tract or plot of land, contiguous and under common ownership or control, together with the buildings and structure thereon.
9. **Private Garage:** A building for the storage of motor vehicles where no repair service facilities are maintained and where no motor vehicles are kept for rental or sale.
10. **Property Line:** See "Lot Line."

31.220 Q

31.221 R

1. **Recreational Vehicle:** A vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for

temporary dwelling, recreational, or sporting purposes. Recreational vehicles include, but are not limited to, travel trailers, campers, motor coach homes, converted buses and trucks, boats and boat trailers.

2. **Regulation:** A specific requirement set forth by this Zoning Ordinance which must be followed.
3. **Remote Parking:** A supply of off-street parking at a location not on the site of a given development.

31.222 S

1. **Screening:** The method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, or other features as may be permitted by the landscape provisions of this Ordinance.
2. **Setback:** The distance, as required by the minimum setback(s) which establishes the horizontal component(s) of the building envelope.
3. **Short-Term Rental Dwelling Units:** Short-term rental service of a dwelling unit, or a portion of a dwelling, shall be allowed. The owner and/or operator of a short-term rental service does not need to be a resident or resident manager of the structure. Each short-term rental service must obtain a Special Use Permit from the City of Red Cloud for each location operated prior to operation. Property owners shall provide a round-the-clock contact person who can respond to the property within one hour. Violations of these rules can result in the Special Use Permit being modified, suspended, or revoked, as well as fines up to \$1,000.
4. **Sign:** A symbolic, visual device fixed upon a building, vehicle, structure, or parcel of land, which is intended to convey information about a product, business, activity, place, person, institution, candidate, or political idea.
5. **Site:** The parcel of land to be developed or built upon. A site may encompass a single lot or a group of lots developed as a common development under the special and overlay districts provisions of this Ordinance.
6. **Site Plan:** A plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, and principal site development features proposed for a specific parcel of land, and any other information that may be reasonably requested by the City in order that an informed decision can be made on the associated request.
7. **State:** The State of Nebraska.
8. **Story:** The portion of a building included between the surface of any floor and the surface of the next floor above it; if there is no floor above it, the

space between such floor and the next ceiling above it. A half story is a story under a sloped roof, the wall heights of which on at least two opposite exterior walls are less than four feet.

9. **Street:** A right of way, dedicated to public use, which affords a primary means of access to the abutting property. This definition is intended to be inclusive of the term as defined in Nebraska State Statute.
10. **Street, Intersecting and Principal:** In regard to a site, the principal street shall be the street to which the majority of lots on a block face are oriented; the intersecting street shall be a street other than a principal street.
11. **Street, Local:** A street which is used primarily for access to the abutting properties.
12. **Street, Major:** A street carrying traffic between neighborhoods, connecting neighborhoods with major activity centers, or accommodating major through traffic. Major streets are designated as collectors, arterials, or expressways by the Comprehensive Development Plan.
13. **Structure:** Any object constructed or built and attached or anchored permanently or semi permanently to the ground in such a way as to prevent routine movement.

31.223 T

1. **Tiny House:** A dwelling that is 400 square feet or less in floor area excluding lofts (*International Residential Council Appendix Q*).
2. **Townhouse:** A dwelling unit having a common wall with or abutting one or more adjacent dwelling units in a townhouse structure, with its own front and rear access to the outside, and neither above nor below any other dwelling unit.
3. **Townhouse Structure:** A building formed by at least two and not more than twelve contiguous townhouses with common or abutting walls.

31.224 U

1. **Use:** The conduct of an activity, or the performance of a function or operation, on a site or in a building or facility.
2. **Utilities:** Installations, either above or below ground, necessary for the production, generation, transmission, delivery, collection, treatments, or storage of water, solid or fluid wastes, storm water, energy media, gas, electronic or electromagnetic signals, or other services which are precedent to development and use of land.

31.225 V

31.226 W

31.227 X

31.228 Y

1. **Yard: Required:** That portion of a lot which lies between a lot line and the corresponding building setback line or the required landscape area. This area shall be unoccupied and unobstructed from the ground upward except as may be specifically provided for or required by this Ordinance.

(a) **Front Yard:** The space extending the full width of a lot, lying between the front lot line and the front setback line. For a corner lot, the front yard shall normally be defined as that yard along a street which meets one of the following two criteria:

- 1) The yard along the block face to which a greater number of structures are oriented; or
- 2) The yard along a street that has the smaller horizontal dimension.

(b) **Rear Yard:** The space extending the full width of a lot, lying between the rear lot line and the rear setback line.

(c) **Side Yard:** The space extending the depth of a lot from the front to rear lot lines, lying between the side yard setback line and the interior lot line.

(d) **Street Side Yard:** On a corner lot, the space extending from the front yard to the rear yard, between the street side yard setback line and the street side lot line.

31.229 Z

1. **Zoning Administrator:** The designee of the City Council responsible for the interpretation, administration, and enforcement of the Red Cloud Zoning Ordinance.
2. **Zoning District:** A designated specified land classification, within which all sites are subject to a unified group of use and site development regulations set forth in this Zoning Ordinance.

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ARTICLE 3: USE TYPES

32.301 Purpose: Article 3 shall be known as the Use Types. The purpose of the Use Types is to establish a classification system for land uses and a consistent set of terms defining uses permitted or conditionally permitted within various zoning districts. The Use Types Article also provides a procedure for determining the applicable use type of any activity not clearly within any defined use type.

32.302 Determinations

- a. **Classification of Uses:** In the event of any question as to the appropriate use types of any existing or proposed use or activity, the Zoning Administrator of the City of Red Cloud shall have the authority to determine the appropriate use type. A determination of the Zoning Administrator may be appealed to the Board of Adjustment (Red Cloud Code §2-203, 2005). In making such determinations, the Zoning Administrator and Board of Adjustment shall consider such characteristics or specific requirements of the use in common with those included as examples of use types. Those examples, when included in use type descriptions, are intended to be illustrative, as opposed to exclusive lists.
- b. **Records:** The Zoning Administrator shall make all such determinations of appropriate use types in writing. The record of the determination shall contain a report explaining the reasons for the determination.

32.303 Agricultural Use Types: Agricultural use types include the on-site production and sale of plant and animal products by agricultural methods.

- a. Horticulture: 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.
- b. Crop Production: The raising and harvesting of tree crops and/or row crops for field crops on an agricultural or commercial basis. This definition may include accessory retail sales under certain conditions.
- c. Animal Production: The raising of animals or production of animal products, such as eggs or dairy products on an agricultural or

commercial basis on a site which is also used for crop production or where grazing of natural vegetation is the major feed source; or the raising of animals for recreational use. Typical uses include grazing, ranching, dairy farming, and poultry farming.

- d. Commercial Feedlots: The use of a site for the confined feeding or holding of livestock or poultry within buildings, lots, pens, or other close quarters which are not used for crop production or where grazing of natural vegetation is not the major feed source. Livestock and poultry shall include any animal or fowl which are used primarily for use as food or food products for human consumption, or for laboratory or testing purposes. A Commercial Feedlot does not include areas which are used for the raising of crops or other vegetation, and upon which livestock are allowed to graze or feed.
- e. Livestock Sales: The use of a site for the temporary confinement and exchange or sale of livestock. Typical uses include sales barns.

32.304 Residential Use Types: Residential use types include uses providing wholly or primarily non-transient living accommodations. They exclude institutional living arrangements providing 24-hour skilled nursing or medical care, forced residence, or therapeutic settings.

- a. Single-Family Residential: The use of a site for one dwelling unit, occupied by one family. Mobile home units are not a single-family use type. See below categories for such units.
 - 1. Single-Family Residential (Detached): A single-family residential use in which one dwelling unit is located on a single lot, with no physical or structural connection to any other dwelling unit.
 - 2. Single-Family Residential (Attached): A single-family residential use in which one dwelling unit is located on a single lot and is attached by a common vertical wall to only one other adjacent dwelling unit on another single lot.
- b. Duplex Residential: The use of a legally-described lot for two dwelling units, each occupied by one family within a single building, excluding manufactured or mobile home units, but including modular housing units.
- c. Two-Family Residential: The use of a site for two dwelling units, each occupied by one family, each in a separate building, excluding a mobile home unit.
- d. Townhouse Residential: The use of a site for three or more attached dwelling units, each occupied by one family and separated by vertical

side walls extending from foundation through roof without openings. Each townhouse unit must have at least two exposed exterior walls.

- e. Multiple-Family Residential: The use of a site for three or more dwelling units within one building not otherwise defined as townhouse units.
- f. Downtown Residential: The use of upper levels above street level of a building within the Central Business District of the City of Red Cloud for single- or multiple-family residential uses.
- g. Group Residential: The use of a site for a residence by more than four unrelated persons, not defined as a family, on a weekly or longer basis.
- h. Manufactured Home Residential: Use of a site for one or more manufactured home dwellings, as defined in 31.216.
- i. Mobile Home Park: Use of a site under single ownership for one or more mobile home units. Generally, the land on which mobile homes are placed in a Mobile Home Park is leased from the owner of the facility.
- j. Mobile Home Subdivision: Division of a tract of land into lots that meet all the requirements of the City of Red Cloud's Subdivision Ordinance for the location of mobile homes. Generally, a lot within a Mobile Home Subdivision is owned by the owner of the mobile home placed upon such lot.
- k. Retirement Residence: A building or group of buildings which provide residential facilities for more than four residents of at least 62 years of age, or households headed by a householder of at least 62 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.

32.305 Civic Use Types: Civic use types include the performance of utility, educational, recreational, cultural, medical, protective, governmental, and other uses which are strongly vested with social importance.

- a. Administration: Governmental offices providing administrative, clerical, or public contact services that deal directly with the citizen, together with incidental storage and maintenance of necessary vehicles. Typical uses include federal, state, county, and city offices.
- b. Cemetery: Land used or intended to be used for the burial of the dead

and dedicated for cemetery purposes, including columbariums, crematoria, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

- c. Clubs: Uses providing meeting, recreational, or social facilities for a private, non-profit or non-commercial association, primarily for use by members and guests.
 - 1. Clubs (Recreational): Clubs which provide indoor and/or outdoor athletic facilities, with or without social or meeting facilities. Typical uses include country clubs and private or nonprofit community or recreation centers.
 - 2. Clubs (Social): Clubs which provide primarily social or meeting facilities. Typical uses include private social clubs and fraternal organizations.
- d. College and University Facilities: An educational institution of higher learning which offers a course of study designed to culminate in the issuance of a degree certified by a generally recognized accrediting organization.
- f. Convalescent Services: 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.
- g. Cultural Services: A library, museum, or similar registered non-profit organizational use displaying, preserving, and exhibiting objects of community and cultural interest in one or more of the arts and sciences.
- h. Day Care Services (Limited): This use type includes all classifications of day care facilities regulated by the State of Nebraska that operate providing care for not more than eight children. This term includes nursery schools, preschools, day care centers for children or adults, and similar uses, but excludes public and private primary and secondary educational facilities.
- i. Day Care Services (General): This use type includes all classifications of day care facilities regulated by the State of Nebraska that operate providing care for more than eight children. This term includes nursery schools, preschools, day care centers for children or adults, and similar uses, but excludes public and private primary and secondary educational facilities.
- j. Detention Facilities: A publicly operated or contracted use providing housing and care for individuals legally confined, designed to isolate those

individuals from the community.

- k. Emergency Residential Services: 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.
- l. Group Care Facility: A government-licensed or approved facility which provides for resident care and short or long-term continuous multi-day occupancy of more than eight but no more than 30 unrelated persons, not including resident staff. Group Care Facilities include facilities which provide services in accordance with individual needs for the:
 - 1. Adaptation to living with, or rehabilitation from, the handicaps of physical disability.
 - 2. Adaptation to living with, or rehabilitation from, the handicaps of emotional or mental disorder or developmental disabilities.
 - 3. Rehabilitation from the effects of drug or alcohol abuse.
 - 4. Supervision while under a program alternative to imprisonment, including but not limited to pre-release, work-release, and probationary programs.
 - 5. Others who require direct adult supervision.
- m. Group Home: A facility licensed by the State of Nebraska in which at least three but no more than eight persons, not including resident managers or house parents, who are unrelated by blood, marriage, or adoption, reside while receiving therapy, training, living assistance, or counseling for the purpose of adaptation to living with or rehabilitation from cerebral palsy, autism, or mental retardation, or other disability similarly specified under Nebraska State Statute.
- n. Guidance Services: A use providing counseling, guidance, recuperative, or similar services to persons requiring rehabilitation assistance as a result of mental illness, alcoholism, detention, drug addiction, or similar condition on a daytime care basis.
- o. Health Care: A facility providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an outpatient basis, including emergency treatment, diagnostic services, training, administration, and services to outpatients, employees, or visitors.

- p. Hospital: A facility providing medical, psychiatric, or surgical service for sick or injured persons primarily on an inpatient basis, including emergency treatment, diagnostic services, training, administration, and services to patients, employees, or visitors.
- q. Maintenance Facilities: A public facility supporting maintenance, repair, vehicular or equipment servicing, material storage, and similar activities, including street or sewer yards, equipment service centers, and similar uses having characteristics of commercial services or contracting or industrial activities.
- r. Park and Recreation Services: Publicly-owned and operated parks, playgrounds, recreation facilities, including publicly-owned community centers and open spaces.
- s. Postal Facilities: Postal services, including post offices, bulk mail processing or sorting centers operated by the United States Postal Service.
- t. Primary Educational Facilities: A public, private, or parochial school offering instruction at the elementary school level in the branches of learning required to be taught in schools within the State of Nebraska.
- u. Public Assembly: Facilities owned and operated by a public agency or a charitable non-profit organization accommodating major public assembly for recreation, sports, amusement, or entertainment purposes. Typical uses include civic or community auditoriums, sports stadiums, convention facilities, fairgrounds, incidental sales, and exhibition facilities.
- v. Religious Assembly: A use located in a permanent building and providing regular organized religious worship and religious education incidental thereto (excluding private primary or private secondary educational facilities, community recreational facilities, day care facilities, and incidental parking facilities). A property tax exemption obtained pursuant to Property Tax Code of the State of Nebraska shall constitute prima facie evidence of religious assembly use.
- w. Safety Services: Facilities for conduct of public safety and emergency services, including police and fire protection services and emergency medical and ambulance services.
- x. Secondary Educational Facilities: A public, private, or parochial school offering instruction at the junior high or high school level in the branches of learning and study required to be taught in the schools of the State of Nebraska.

- y. Utilities: Any above ground structures or facilities, other than lines, poles, and other incidental facilities, used for the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, delivery, collection, or storage of water, sewage, electricity, gas, oil, energy media, communications, electronic or electromagnetic signals, or other services which are precedent to development and/or use of land.

32.306 Office Use Types: Office use types include uses providing for administration, professional services, and allied activities. These uses often invite public clientele, but are more limited in external effects than commercial uses.

- a. Corporate Offices: Use of a site for administrative, processing, or research offices, which generally does not provide service to clientele from Red Cloud and the surrounding region. Corporate offices are destinations for commuters drawn from a relatively wide region around Red Cloud, as well as from the community itself. Typical uses include corporate headquarters offices, telemarketing, or information processing offices.
- b. General Offices: Use of a site for business, professional, or administrative offices who may invite clients from both local and regional areas. Typical uses include real estate, insurance, management, travel, or other business offices; organization and association offices; or professional offices.
- c. Financial Services: 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. An ATM (Automatic Teller Machine), which is not accompanied on-site by an office of its primary financial institution, is considered within the Consumer Services Use Type.
- d. Medical Offices: 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, dentist, or similar medical practitioners licensed for practice in the State of Nebraska.

32.307 Commercial Use Types Commercial uses include the sale, rental, service, and distribution of goods, and the provision of services other than those classified under other use types.

- a. Agricultural Sales and Service: 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.

- b. Automotive and Equipment Services: Establishments or places of business primarily engaged in sale and/or service of automobiles, trucks, or heavy equipment. The following are considered automotive and equipment use types:
 - 1. Automotive Rental and Sales: 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.
 - 2. Auto Services: Provision of fuel, lubricants, parts and accessories, and incidental services to motor vehicles; and washing and cleaning and/or repair of automobiles, non-commercial 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.
 - 3. Body Repair: 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.
 - 4. Equipment Rental and Sales: 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.
 - 5. Equipment Repair Services: 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.

- c. Bed and Breakfast: A lodging service that provides overnight or short-term accommodations to guests or visitors, usually including provision of breakfast. Bed and breakfasts are usually located in large residential structures that have been adapted for this use. For the purpose of this definition, bed and breakfasts are always owned and operated by the resident owner or resident manager of the structure, include no more than eight units, and accommodate each guest or visitor for no more than seven consecutive days during any one-month period.
- d. Business Support Services: 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. Typical uses include office equipment and supply firms, small business machine repair shops, or hotel equipment and supply firms, messenger and delivery services, custodial or maintenance services, and convenience printing and copying services.
- e. Business or Trade Schools: 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.
- f. Campground: Facilities providing camping or parking areas and incidental services for travelers in recreational vehicles or tents, which accommodate each guest or visitor for no more than seven consecutive days during any one-month period.
- g. Cocktail Lounge: A use engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, including taverns, bars, cocktail lounges, and similar uses other than a restaurant, as that term is defined in this Article.
- h. Commercial Recreation: Private businesses, or other organizations which may or may not be commercial by structure or by nature, which are primarily engaged in the provision or sponsorship of sports, entertainment or recreation for participants or spectators. Typical uses include race tracks, driving ranges, theaters, private dance halls, billiard or bowling centers, game arcades, or private skating facilities.
- i. Communications Services: 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. Broadcast towers and their minor ancillary ground structures are classified as "Miscellaneous Use Types."

- j. Construction Sales and Services: Establishments or places of business primarily engaged in retail or wholesale sale from the premises of materials used in the construction of buildings or other structures, other than retail sale of paint, fixtures and hardware. This use type excludes those uses classified under Automotive and Equipment Services. Typical uses include building materials sales or tool and equipment rental or sales.
- k. Consumer Services: Establishments which provide services, primarily to individuals and households, but excluding Automotive Use Types. Typical uses include automated banking machines, appliance repair shops, watch or jewelry repair shops, or musical instrument repair shops.
- l. Convenience Storage: Storage services primarily for personal effects and household goods within enclosed storage areas having individual access, but excluding use of such areas as workshops, hobby shops, manufacturing, or commercial activity. Typical uses include mini-warehousing.
- m. Food Sales: Establishments or places of business primarily engaged in the retail sale of food or household products for home consumption. Food Sales establishments may include the sale of non-food items. However, the sales of non-food items may account for no more than the lesser of 25% of the sales area or 10,000 square feet of the Food Sales establishment. Typical uses include groceries, delicatessens, meat markets, retail bakeries, and candy shops.
 - 1. Convenience Food Sales: Establishments occupying facilities of less than 10,000 square feet and characterized by sales of specialty foods or a limited variety of general items, and by the sales of fuel for motor vehicles.
 - 2. Limited Food Sales: Establishments occupying facilities of less than 10,000 square feet and characterized by sales of specialty foods or a limited variety of general items, but excluding the accessory sale of fuel for motor vehicles. Typical uses include delicatessens, meat markets, retail bakeries, candy shops, and small grocery stores.
 - 3. General Food Sales: Establishments selling a wide variety of food commodities and related items, using facilities larger than 10,000 square feet. Typical uses include grocery stores and locker plants.

- n. Funeral Services: Establishments engaged in undertaking services such as preparing the human dead for burial, and arranging and managing funerals. Typical uses include funeral homes or mortuaries.
- o. Kennels: Boarding and care services for dogs, cats, and similar small mammals or large birds, or any premises on which three or more animals included under this definition over four months of age are kept and maintained. Typical uses include boarding kennels, ostrich raising facilities, pet motels, or dog training centers.
- p. Laundry Services: Establishments primarily engaged in the provision of laundering, cleaning or dyeing services other than those classified as Personal Services. Typical uses include bulk laundry and cleaning plants, diaper services, or linen supply services.
- q. Liquor Sales: 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.
- r. Lodging: Lodging services involving the provision of room and/or board, but not meeting the classification criteria of Bed and Breakfasts. Typical uses include hotels, apartment hotels, and motels.
- s. Personal Improvement Services: Establishments primarily engaged in the provision of informational, instructional, personal improvements and similar services of a non-professional nature. Typical uses included driving schools, health or physical fitness studios, music schools, reducing salons, dance studios, and handicraft and hobby instruction.
- t. Personal Services: Establishments or places of business primarily engaged in the provision of services of a personal nature. Typical uses include beauty and barber shops; seamstress, tailor, or shoe repair shops; photography studios, television or electronics repair; or dry cleaning stations serving individuals and households. Personal Services include establishments providing for the administration of massage or massage therapy carried out by persons licensed by the State of Nebraska when performing massage services as a part of the profession or trade for which licensed, or persons performing massage services under the direction of a person so licensed, or persons performing massage services or therapy pursuant to the written direction of a licensed physician.
- u. Pet Services: Retail sales, incidental pet health services, and grooming

and boarding when totally within a building of dogs, cats, birds, fish, and similar small animals customarily used as household pets. Typical uses include pet stores, small animal clinics, dog bathing and clipping salons, and pet grooming shops, but exclude uses for livestock and large animals.

- v. Research Services: Establishments primarily engaged in research of an industrial or scientific nature. Typical uses include electronics research laboratories, space research and development firms, testing laboratories, or pharmaceutical research labs.
- w. Restaurants: A use engaged in the preparation and retail sale of food and beverages, including the sale of alcoholic beverages when conducted as a secondary feature of the use producing less than 50% of the establishment's gross income.
 - 1. Restaurant (Drive-in or Fast Food): An establishment which principally supplies food and beverages in disposable containers and is characterized by high automobile accessibility, and on-site accommodations, self-service, and short stays by customers.
 - 2. Restaurant (General): An establishment characterized by table service to customers and/or accommodation to walk-in clientele, as opposed to Drive-in or Fast Food Restaurants. Typical uses include cafes, coffee shops, and restaurants.
- x. Restricted Businesses: Any business activity which offers the opportunity to view sexual activities or view or touch anatomical areas for entertainment purposes in a manner that offends contemporary standards in the community of Red Cloud, depicts or describes sexual conduct in a patently offensive way, and lacks serious literary, artistic, political, or scientific value. This category includes the sale or viewing of visual or print materials that meet these criteria. Typical uses include retail services or stores which are distinguished by an emphasis on activities or materials that emphasize sexual content, businesses which offer live performances characterized by exposure of anatomical areas in a manner intended to have sexual or erotic impact on the viewer, and adult theaters.
- y. Retail Services: Sale or rental with incidental service of commonly used goods and merchandise for personal or household use, but excludes those classified more specifically by these use type classifications. Typical uses include department stores, apparel stores, furniture stores, or establishments providing the following products or services:

Household cleaning & maintenance products, drugs, cards, stationery, notions, books, tobacco products, cosmetics & specialty items | flowers, plants, hobby materials, toys, handcrafted items, apparel jewelry, fabrics & like items | cameras, photograph services, household electronic equipment, records, sporting equipment, kitchen utensils, home furnishings & appliances | art supplies & framing, art & antiques, paint & wallpaper, hardware, carpeting & floor covering, interior decorating services | office supplies | mail order or catalog sales | bicycles | automotive parts & accessories (excluding service & installation).

General Retail Services:

1. Limited Retail Services: Establishments providing retail services, occupying facilities of 3,000 square feet or less. Typical establishments provide for specialty retailing or retailing oriented to Red Cloud and its surrounding vicinity.
 2. Medium Retail Services: Establishments providing retail services, occupying facilities between 3,001 and 10,000 square feet in a single establishment or multi-tenant facility. Typical establishments provide for specialty retailing or general purpose retailing oriented to Red Cloud and its surrounding vicinity.
 3. Large Retail Services: Establishments providing retail services, occupying facilities between 10,001 and 40,000 square feet in a single establishment or multi-tenant facility. Typical establishments provide for specialty retailing or general purpose retailing oriented to Red Cloud and its surrounding vicinity.
- z. Short-Term Rental Dwelling Units: Short term rental service of a dwelling unit, or a portion of a dwelling, shall be allowed. The owner and/or operator of a short term rental service does not need to be a resident or resident manager of the structure. Each short term rental service must obtain a special use permit from the City of Red Cloud for each location operated prior to operation. Property owners shall provide a round-the-clock contact person who can respond to the property within one hour. Violations of these rules can result in the special use permit being modified, suspended, or revoked, as well as fines up to \$1,000.
- aa. Stables and/or Riding Academies: 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.
- bb. Surplus Sale: Businesses engaged in the sale, including sale by auction, of used items or new items which are primarily composed of factory surplus or discontinued items. Surplus sales use sometimes includes

regular outdoor display of merchandise. Typical uses include flea markets, auction houses, factory outlets, or merchandise liquidators.

- cc. Trade Services: Establishments or places of business primarily engaged in the provision of services that are not retail or primarily dedicated to walk-in clientele. These services often involve services to construction or building trades and may involve a small amount of screened, outdoor storage in appropriate zoning districts. Typical uses include shops or operating bases for plumbers, electricians, or HV/AC (heating, ventilating, and air conditioning) contractors.
- dd. Vehicle Storage (Short-term): Short-term storage of operating or non-operating vehicles for a period of no more than 21 days. Typical uses include storage of private parking tow-away or impound yards but exclude dismantling or salvage. Long-term storage beyond 21 days constitutes an Industrial Use Type.
- ee. Veterinary Services: Veterinary services and hospitals for animals. Typical uses include pet clinics, dog and cat hospitals, pet cemeteries and crematoria, and veterinary hospitals for livestock and large animals.

32.308 Parking Use Types

- a. Off-Street Parking: Parking use types include surface parking of motor vehicles on a temporary basis within a privately or publicly owned off-street parking facility.

32.309 Industrial Use Types: Industrial use types include the on-site extraction or production of goods by nonagricultural methods, and the storage and distribution of products.

- a. Construction Yards: 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 bidding contractor's yards.
- b. Custom Manufacturing: Establishments 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 two horsepower, or
 - 3. A single kiln not exceeding 8 KW or equivalent.
 - 4. 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.

- c. Light Industry: 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 plants, apparel assembly from fabrics, electronics, manufacturing, and print shops and publishing houses.
- d. General Industry: 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.
- e. Heavy Industry: 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.
- f. Recycling Collection: Any site which is used in whole or part for the receiving or collection of any post-consumer, nondurable goods, including but not limited to glass, plastic, paper, cardboard, aluminum, tin, or other recyclable commodities.
- g. Recycling Processing: Any site which is used for the processing of any post-consumer, nondurable goods, including but not limited to glass, plastic, paper, cardboard, aluminum, tin, or other recyclable commodities.
- h. Resource Extraction: 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, or mining.
- i. Salvage Services: Places of business primarily engaged in the storage, sale, dismantling or other processing of used or waste materials which are not intended for reuse in their original forms. Typical uses include

automotive wrecking yards, junk yards, or paper salvage yards.

- j. Vehicle Storage (Long-term): Long-term storage of operating or non-operating vehicles for a period exceeding 21 days. Typical uses include storage of private parking tow-away or impound yards, but exclude dismantling or salvage. Long-term storage of 21 days or less constitutes a Commercial Use Type.
- k. Warehousing (Enclosed): Uses including storage, distribution, and handling of goods and materials within enclosed structures. Typical uses include wholesale distributors, storage warehouses, and van and storage companies.
- l. Warehousing (Open): Uses including open air storage, distribution, and handling of goods and materials. Typical uses include monument yards, grain elevators, and open storage.

32.310 Transportation Use Types Transportation use types include the use of land for the purpose of providing facilities supporting the movement of passengers and freight from one point to another.

- a. Aviation Facilities: Landing fields, aircraft parking and service facilities, and related facilities for operation, service, fueling, repair, storage, charter, sales, and rental of aircraft, and including activities directly associated with the operation and maintenance of airport facilities and the provision of safety and security.
- b. Railroad Facility: Railroad yards, equipment servicing facilities, and terminal facilities.
- c. Transportation Terminal: Facility for loading, unloading, and interchange of passengers, baggage, and incidental freight or package express, including bus terminals, railroad stations, and public transit facilities.
- d. Truck Terminal: A facility for the receipt, transfer, short term storage, and dispatching of goods transported by truck.

32.311 Miscellaneous Type Uses

- a. Alternative Energy Production Devices: The use of a site for the production of energy utilizing methods that do not involve the oxidation, combustion, or fission of primary materials. Typical uses include solar collector fields, geothermal energy installation, or water-powered mills or generating facilities.
- b. Amateur Radio Tower: A structure(s) for the transmission or broadcasting

of electromagnetic signals by FCC licensed Amateur Radio Operators.

- c. Communications Tower: A structure(s) for the transmission or broadcasting of radio, television, radar, or microwaves, ordinarily exceeding the maximum height permitted in its zoning district. Typical uses include broadcasting towers and cellular communications towers.
- d. Construction Batch Plant: A temporary demountable facility used for the manufacturing of cement, concrete, asphalt, or other paving materials intended for specific construction projects.
- e. Landfill (Non-Putrescible Solid Waste Disposal): 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.
- f. Landfill (Putrescible and Non-Putrescible Solid Waste Disposal): The use of a site as a depository for any solid waste, except hazardous and toxic waste as defined by the Federal Environmental Protection Agency and/or the State of Nebraska. Typical disposal material would include non-putrescible wastes and putrescible wastes, such as vegetation, tree parts, agricultural wastes (garbage), and manure.
- g. Wind Energy Conservation System (WECS): Any device which converts wind energy to a form of usable energy, including wind charges, windmills, or wind turbines.

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ARTICLE 4: ZONING DISTRICT REGULATIONS

- 33.401 Purpose:** Article 4 presents the Zoning District Regulations. Zoning Districts are established in the Zoning Regulations to promote compatible land use patterns and to establish site development regulations appropriate to the purposes and specific nature of each district.
- 33.402 Establishment of Districts:** The following base districts and overlay districts are hereby established. **Table 4-1** displays the purposes of these districts.
- | BASE ZONING DISTRICTS | DISTRICT NAMES |
|-----------------------|-------------------------------------|
| AG | Agricultural District |
| R-1 | Low-Density Residential District |
| R-2 | Medium-Density Residential District |
| MH | Mobile Home Residential District |
| TC | Town Center District |
| GC | General Commercial District |
| LI | Limited Industrial District |
| GI | General Industrial District |
| OVERLAY DISTRICTS | |
| MU | Mixed Use District |
| PUD | Planned Unit Development District |
| HD | Historic District |
- 33.403 Application of Districts:** A base district designation shall apply to each lot or site within the City and its planning jurisdiction. A site must be in one base district.
- Overlay districts may be applied to any lot or site or any portion thereof, in addition to a base district designation. The Mixed Use District may stand alone as a base district.
- 33.404 Hierarchy:** References in the Zoning Ordinance to less intensive or more intensive districts shall be deemed to refer to those agricultural, residential, commercial, and industrial base zoning districts established in Article 4, and shall represent a progression from the AG Agricultural District as the least intensive to the GI General Industrial District as the most intensive. The Overlay Districts shall not be included in this reference.
- 33.405 Development Regulations:** For each Zoning District, Purposes are set forth in **Table 4-1**; Uses Permitted by Zoning District are set forth in **Table 4-2**; and Site Development Regulations are presented in **Table 4-3**.

Supplemental Regulations may affect specific land uses or development regulations in each zoning district. The applicable Supplemental Regulations are noted in the following **Table 4-3**.

33.406 Zoning Map

- a. Adoption of Zoning Map: Boundaries of zoning districts established by this Zoning Regulations shall be shown on the Zoning Map maintained by the City Clerk. This map shall bear the signature of the Mayor attested by the City Clerk under the certification that this is the Official Zoning Map referred to by this Ordinance. This map, together with all legends, references, symbols, boundaries, and other information, shall be adopted as a part of, and concurrent with these Regulations. Said Zoning Map shall be prominently displayed in the Council chambers and/or an area accessible to the public at Red Cloud City Hall.
- b. Changes to the Zoning Map: The Zoning Map may be changed from time to time by ordinance, following the procedure set forth by Article 12. Such changes shall be reflected on the Zoning Map. The City Clerk shall keep a complete record of all changes to the Zoning Map.

33.407 Interpretation of District Boundaries: The following rules shall apply in determining the boundaries of any zoning district shown on the Zoning Map.

- a. Where district boundaries are indicated as approximately following lot lines, such lot lines shall be considered the district boundaries.
- b. Where district boundaries are indicated as within street or alley, railroad, or other identifiable rights-of-way, the centerline of such rights-of-way shall be deemed the district boundary.
- c. Where a district boundary divides a property, the location of the boundary shall be determined by the use of the scale appearing on the Zoning Map.
- d. The City Council shall determine any other uncertainty regarding district boundaries not covered in this Article.

33.408 Vacation of Streets and Alleys: Whenever a public street or alley is vacated, the zoning district adjoining each side of such right-of-way shall be extended out to the former centerline.

33.409 Annexation of Territory: All unimproved or agricultural territory which may hereafter be annexed to the City shall be considered as lying in the AG Agricultural District until such classification shall be changed as provided by this Ordinance. Any improved property that is annexed into the city shall be zoned according to the zoning district that most nearly describes either its present use or the use proposed by Red Cloud 's Comprehensive Plan. This zoning shall be established by the Planning and Zoning Commission and the City Council at the time of annexation.

Table 4-1 Purposes of Zoning Districts

Symbol		Purpose
AG	Agricultural	The AG District provides for and preserves the agricultural and rural use of land, while accommodating very low density residential development generally associated with agricultural uses. This district is designed to maintain complete agricultural uses within the Red Cloud extra-territorial jurisdiction.
R-1	Low-Density Residential	The Low-Density Residential district is intended to provide for residential neighborhoods, characterized by single-family dwellings on relatively large lots with supporting community facilities and urban services. Its regulations are intended to minimize traffic congestion and to assure that density is consistent with the carrying capacity of infrastructure.
R-2	Medium-Density Residential	This District is intended to provide for residential neighborhoods, characterized by single-family, duplex, and townhouse dwellings on relatively large lots with supporting community facilities and urban services. Its regulations are intended to minimize traffic congestion and to assure that density is consistent with the carrying capacity of infrastructure.
MH	Mobile Home Residential District	The MH Residential 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.
TC	Town Center	This District is intended to provide appropriate development regulations for downtown Red Cloud. Mixed uses are encouraged within the TC District. The grouping of uses is designed to strengthen the town center's role as a center for trade, service, and civic life.
GC	General Commercial	This District accommodates a variety of commercial uses, some of which have significant traffic or visual effect. This District may include commercial uses which are oriented to services, including automotive services, rather than retail activities. These uses may create land use conflicts with adjacent residential areas, requiring provision of adequate buffering. This District is most appropriately located along major arterial streets or in areas that can be adequately buffered from residential districts.
LI	Limited Industrial District	The Light Industrial District is intended to reserve sites appropriate for the location of industrial uses with relatively limited environmental effects. The District is designed to provide appropriate space and regulations to encourage good quality industrial development, while assuring that facilities are served with adequate parking and loading facilities.
GI	General Industrial District	This District is intended to accommodate a wide variety of industrial uses, some of which may have significant external effects. These uses may have operating characteristics that create conflicts with lower-intensity surrounding land uses. The District provides the reservation of land for these activities and includes buffering requirements to reduce incompatibility.

4-2: Uses Permitted by Zoning District								
Use Types	AG	R-1	R-2	MH	TC	GC	LI	GI
Agricultural Uses								
Horticulture	P							
Crop Production	P							
Animal Production	P							
Commercial Feedlots								
Livestock Sales								
Residential Uses								
Single-Family Detached	P	P	P	P				
Single-Family Attached	S	S	P	P				
Duplex			P					
Two-Family			P					
Townhouse					P			
Multiple-Family					P	S		
Tiny Homes	P	S	S	S				
Downtown Residential					P			
Group Residential	P		P					
Manufactured Housing Residential	P	P	P	P				
Mobile Home Park				S				
Mobile Home Subdivision				S				
Retirement Residential	S	S	P		P	S		
Civic Uses								
Administration		S	S	S	P	P	P	P
Cemetery	S	S	S					
Clubs (Recreational)	S	S	S		S	P	P	P
Clubs(Social)	S			S	P	P	P	P
College/Universities	S	S	S	S	P	P	P	
Convalescent Services	S			S	S			
Cultural Services	S	S	P		P	P	P	
Day Care (Limited)	P	P	P	P	P	S	S	S
Day Care (General)	S	S	S	S	P	P	S	S
Detention Facilities	S					S	S	S
Emergency Residential	P	P	P	P	P			
Group Care Facility				P	P	P		
Group Home	S	S	S	P	P	P		
Guidance Services					P	P	P	P
Health Care					P	P	P	P
Hospitals					P	P	P	P
Maintenance Facilities	S					P	P	P
Park and Recreation	P	P	P	P	P	P	P	P
Postal Facilities					P	P	P	P
Primary Education	S	P	P	P	P	S		
Public Assembly					P	P		
Religious Assembly	P	P	P	P	P	P	S	
Safety Services	P	P	P	P	P	P	P	P
P=Uses Permitted by Right S=Uses Permitted by Special Permit Blank=Use Not Permitted								

Table 4-2: Permitted Uses by Zoning Districts								
Use Types	AG	R-1	R-2	MH	TC	GC	LI	GI
Secondary Education	S			S	S	S		
Utilities	P	S	S	S	S	P	P	P
Office Uses								
General Offices					P	P	P	P
Financial Offices			S		P	P	P	P
Medical Offices			S		P	P	P	S
Commercial Uses								
Ag Sales/Service					S	P	P	P
Auto Rental/Sales					P	P		
Auto Services					P	P	P	P
Body Repair					S	P	P	P
Equipment Rental/Sales					S	P	P	P
Equipment Repair						P	P	P
Short-Term Rental Dwelling	S	S	S		S	S		S
Bed & Breakfast	S	S	S		P	P		
Business Support Services					P	P	P	P
Business/Trade School					P	P	P	P
Campground						S		
Cocktail Lounge					S	P	P	P
Commercial Recreation (Indoor)					P	P	P	P
Commercial Recreation (Outdoor)						P	P	P
Communication Service					P	P	P	P
Construction Sales/Service					S	P	P	P
Consumer Service					P	P	P	P
Convenience Storage				S		S	P	P
Food Sales (Convenience)					P	P	P	P
Food Sales (Limited)					P	P	P	P
Food Sales (General)					P	P		
Funeral Service					P	P	P	P
Gaming Facility					S	S	P	P
Kennels	P					S	P	P
Laundry Services					S	P	P	P
Liquor Sales					P	P	S	
Lodging					P	P	S	
Personal Improvement					P	P	P	P
Personal Services					P	P	P	P
Pet Services	S				P	P	P	
Research Services					P	P	P	P
Restaurants (Drive-in)					S	P	S	S
Restaurants (General)					P	P	S	S
Restricted Business							S	P
Retail Services (Limited)					P	P		
P=Uses Permitted by Right S=Uses Permitted by Special Permit Blank=Use Not Permitted								

Table 4-2: Permitted Uses by Zoning Districts

Use Types	AG	R-1	R-2	MH	TC	GC	LI	GI
Commercial Uses								
Retail Services (Medium)					P	P		
Stables						S		
Surplus Sales					S	P	P	P
Trade Services					S	P	P	P
Vehicle Storage (Long-term)						S	P	P
Vehicle Storage (Short-term)						P	P	P
Veterinary Services					S	P	P	P
Parking Uses								
Off-Street Parking					P	P	P	P
Industrial Uses								
Agriculture Industry							S	P
Construction Yards							P	P
Custom Manufacturing					P	P	P	P
Light Industry							P	P
General Industry							P	P
Heavy Industry								S
Recycling Collection					S	P	P	P
Recycling Processing							P	P
Resource Extraction								S
Salvage Services								P
Warehousing (Enclosed)					S	S	P	P
Warehousing (Open)							S	P
Transportation Uses								
Aviation							S	P
Railroad Facilities					S	S	P	P
Truck Terminal						S	S	P
Transportation Terminal					P	P	P	P
Miscellaneous Uses								
Alternative Energy Production Devices	S	S	S	S	S	S	P	P
Amateur Radio Tower	P	P	P	P	P	P	P	P
Communications Tower	S				S	S	P	P
Construction Batch Plant						P	S	P
Landfill (Non-Putrescible)								S
Landfill (Putrescible)								
WECS	S	S	S		S	S	P	P
P=Uses Permitted by Right S=Uses Permitted by Special Permit Blank=Use Not Permitted								

Table 4-3: Summary of Site Development Regulations								
Regulator	AG	R-1	R-2	MH	TC	GC*	LI*	GI*
Minimum Lot Area (square feet)				2.5 Acres	None		7,000	7,000
One-Family	2 Acres	8,400	7,000			---		
Duplex Townhouses	---	---	10,000			---		
Multi-Family	---	---	---			---		
Tiny Home	2 Acres	8,400	7,000			6,000		
Other Permitted Uses	No requirement	8,400	10,000					
Minimum Lot Width (feet)	200	70	60 80		None		60	60
One-Family								
Duplex								
Townhouses								
Multi-Family						50		
Other Permitted Uses								
Mobile Home Park				150				
Site Area per Housing Unit (square feet) by type of residential:	2 Acres	8,400	7,000 5,000	5,000 per unit		n/a		
Single-Family								
Two-Family, Duplex								
Townhouse				2,000				
Multi-Family				1,000				
Tiny House								
Minimum Yards (Feet)								
Front Yard	50	25	25	50	0	25	25	50
Street Side Yard	50	25	15	50	0	15	25	25
Interior Side Yard (Note 2)				50			0	
1 – 1.5 stories	50	7.5	7.5	0	0	0		
2 – 3 stories	50	10	10	0	0	0		
More than 3 stories	n/a	n/a	n/a	0	0	0		
Non-Residential Uses	50	20	20	0	0	0		
Rear Yard	50	25% of lot depth	25% of lot depth	50	0	20	25	25
Maximum Height (feet)	No Limit	35	35	38	No Limit	50	75	No limit
Maximum Building Coverage	n/a	35%	45%	40%	100%	70%	70%	70%
Maximum Impervious Coverage	n/a	50%	60%	60%	100%	90%	90%	90%
Floor Area Ratio	n/a	n/a	n/a	n/a	No Limit	1.0	1.0	No limit
Maximum Amount of Total Parking							No limit	No limit
Located in Street Yard								
Residential				n/a	n/a	n/a		
Other Uses				35%	35%	n/a		

Notes to Table 4-3:

Note 1: See Section 35.603 for supplemental regulations governing single-family attached and townhouse residential use types.

Note 2: One foot of height may be added for each additional one foot provided in front, rear, and side yard setbacks beyond the required minimum.

Note 3: Normal minimum setback is 25 feet. Front yard setback may be reduced to 15

feet if:

1. No parking is placed within the street yard.
2. The entire street yard area is landscaped, with the exception of driveways to parking areas or pedestrian accesses to the principal building on the site.

*Uses in the GC, LI, and GI Districts are subject to landscape and screening provisions contained in Article 8.

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ARTICLE 5: SPECIAL AND OVERLAY DISTRICTS

34.501 General Purpose: Special Districts provide for base districts that allow multiple land uses and flexible development, with the requirement that a specific plan for the area be submitted by applicants. Overlay Districts are used in combination with base districts to modify or expand base district regulations. Overlay Districts are adapted to special needs of different parts of the City of Red Cloud.

The Overlay Districts are designed to achieve the following objectives:

- To recognize special conditions in specific parts of the City which require specific regulation.
- To provide flexibility in development and to encourage innovative design through comprehensively planned projects.

MU – MIXED USE DISTRICT

34.502 Purpose: The MU (Mixed Use) District is intended to accommodate projects which combine several compatible land uses into an integrated development. The MU District may also be used to pre-designate parts of the city which are appropriate for a mixture of residential, commercial, office, and accessory uses. The District permits mixing residential areas with workplaces and services. Development in the MU District must accommodate transportation systems, pedestrian and bicycle movement, and surrounding environments.

34.503 Permitted Uses: Each ordinance establishing an MU District establishes the use types permitted within its boundaries

34.504 Site Development Regulations

- a. The minimum area of any MU District is one acre.
- b. Prior to the issuance of any building permits or other authorization, all projects in the MU District shall receive approval by the City Council, following a recommendation by the Planning and Zoning Commission. This approval may be granted for a specific plan for the development of an MU District in lieu of a plan for individual projects, provided that any subsequent developments are consistent with the specific plan.
- c. Applications for approval must contain at a minimum the following information:

1. A detailed site map, including:
 - (a) a boundary survey
 - (b) site dimensions
 - (c) contour lines at no greater than five foot intervals
 - (d) adjacent public rights of way, transportation routes, and pedestrian or bicycle systems
 - (e) description of adjacent land uses
 - (f) utility service to the site and easements through the site
 - (g) description of other-site features, including drainage, soils, or other considerations that may affect development.
2. A development plan, including:
 - (a) a site layout, including the location of proposed buildings, parking, open space, and other facilities
 - (b) location, capacity, and conceptual design of parking facilities
 - (c) description of the use of individual buildings
 - (d) description of all use types to be included in the project or area, and maximum floor area devoted to each general use
 - (e) maximum height of buildings
 - (f) schematic location and design of open space on the site, including a landscaping plan
 - (g) vehicular and pedestrian circulation plan, including relationship to external transportation systems
 - (h) schematic building elevations and sections if required to describe the project
 - (i) grading plans
 - (j) proposed sewer and utility improvements
 - (k) location, sizes, and types of all proposed signage.
3. Specific proposed development regulations for the project, including:
 - (a) the specific use types permitted within the proposed district
 - (b) maximum floor area ratios
 - (c) front, side, and rear yard setbacks
 - (d) maximum height
 - (e) maximum building and impervious coverage

(f) design standards applicable to the project.

4. A traffic impact analysis, if required by the City.

34.505 Adoption of District:

- a. The Planning Commission and City Council shall review and evaluate each Mixed Use District application. The City may impose reasonable conditions, as deemed necessary to ensure that a Mixed Use Development shall be compatible with adjacent land uses, will not overburden public services and facilities, and will not be detrimental to public health, safety and welfare.
- b. The Planning Commission, after proper notice, shall hold a public hearing and act upon each application.
- c. The Planning Commission may recommend amendments to MU district applications.
- d. The recommendation of the Planning Commission shall be transmitted to the City Council for final action.
- e. The City Council, after proper notice, shall hold a public hearing and act upon any ordinance establishing a MU Mixed Use District. Proper notice shall mean the same notice established for any other zoning amendment.
- f. An ordinance adopting a Mixed Use District shall require a favorable simple majority of the City Council for approval.
- g. Upon approval by the City Council, the development plan shall become a part of the ordinance creating or amending the MU Mixed Use District. All approved plans shall be filed with the City Clerk.

34.506 Amendments: The Zoning Administrator is authorized at his/her discretion to approve amendments to an approved development plan, provided that:

- a. A written request is filed with the Zoning Administrator, along with information specifying the exact nature of the proposed amendment.
- b. The amendment is consistent with the provisions of this Article.
- c. The amendment does not alter the approved site regulations of the development plan and does not materially alter other aspects of the plan, including traffic circulation, mixture of use types, and physical

design.

- d. Any amendment not conforming to these provisions shall be submitted to the Planning Commission and City Council for action.

34.507 Reserved

PUD – PLANNED UNIT DEVELOPMENT DISTRICT

34.510 Purpose: The PUD Planned Unit Development Overlay District is intended to provide flexibility in the design of planned projects; to permit innovation in project design that incorporates open space and other amenities; and to insure compatibility of developments with the surrounding urban environment. The PUD District may be used in combination with any base district specified in this Ordinance. The PUD District, which is adopted by the City Council with the recommendation of the Planning Commission, assures specific development standards for each designated project.

34.511 Permitted Uses: Uses permitted in a PUD Overlay District are those permitted in the underlying base district. A PUD also may be combined with an MU Mixed Use District to allow a combination of use types not anticipated by conventional base districts.

34.512 Site Development Regulations: Site Development Regulations are developed individually for each Planned Unit Development District, but must comply with the minimum or maximum standards established for the base district, with the following exceptions:

- a. Lot area and lot width are not restricted, provided that the maximum density allowed for each base district is not exceeded.
- b. Maximum building coverage shall be the smaller of the allowed building coverage in the base district, or 60%.
- c. Setback requirements may be varied according to the specific Planned Unit Development plan.

34.513 Access to Public Streets: Each PUD District must abut a public street for at least 100 feet and gain access from that street.

34.514 Application Process

- a. Development Plan: The application for a Planned Unit Development District shall include a Development Plan containing the following information:
- b. Application Requirements: An application for approval must contain at a minimum the following information:
 1. A detailed site map, including:
 - (a) a boundary survey
 - (b) site dimensions
 - (c) contour lines at no greater than two foot intervals

- (d) adjacent public rights of way, transportation routes, and pedestrian or bicycle systems
 - (e) description of adjacent land uses
 - (f) utility service to the site and easements through the site
 - (g) description of other site features, including drainage, soils, or other considerations that may affect development.
2. A development plan, including:
- (a) a land use plan designating specific uses for the site and establishing site development regulations, including setback, height, building coverage, impervious coverage, density, and floor area ratio requirements.
 - (b) a site layout, including the location of proposed buildings, parking, open space, and other facilities
 - (c) location, capacity, and conceptual design of parking facilities
 - (d) description of the use of individual buildings
 - (e) schematic architectural plans and elevations sufficient to indicate a building height, bulk, materials, and general architectural design
 - (f) a site development and landscaping plan, showing building locations, or building envelopes; site improvements; public or common open spaces; community facilities; significant visual features; and typical landscape plans
 - (g) vehicular and pedestrian circulation plan, including relationship to external transportation systems
 - (h) schematic building elevations and sections if required to describe the project
 - (i) grading plans
 - (j) proposed sewer and utility improvements
 - (k) location, sizes, and types of all proposed signage.
3. A statistical summary of the project, including gross site area, net site area, number of housing units by type, gross floor area of other uses, total amount of parking, and building and impervious surface percentages.

34.515 Adoption of District

- a. The Planning Commission and City Council shall review and evaluate each Planned Unit Development application. The City may impose reasonable conditions, as deemed necessary to ensure that a PUD shall be compatible with adjacent land uses, will not overburden public services and facilities, and will not be detrimental to public

health, safety and welfare.

- b. The Planning Commission, after proper notice, shall hold a public hearing and act upon each application.
- c. The Planning Commission may recommend amendments to PUD district applications.
- d. The recommendation of the Planning Commission shall be transmitted to the City Council for final action.
- e. The City Council, after proper notice, shall hold a public hearing and act upon any ordinance establishing a PUD Planned Unit Development Overlay District. Proper notice shall mean the same notice established for any other zoning amendment.
- f. An ordinance adopting a Planned Unit Development Overlay Zoning District shall require a favorable simple majority of the City Council for approval.
- g. Upon approval by the City Council, the Development Plan shall become a part of the ordinance creating or amending the PUD District. All approved plans shall be filed with the City Clerk.

34.516 Amendment Procedure: Major amendments to the Development Plan must be approved according to the same procedure set forth for a rezoning in Article 12.

34.517 Building Permits: The City shall not issue a building permit, certificate of occupancy, or other permit for a building, structure, or use within a PUD District unless it is in compliance with the approved Development Plan or any approved amendments.

34.518 Termination of PUD District: If no substantial development has taken place in a Planned Unit Development District for three years following approval of the District, the Planning Board shall reconsider the zoning of the property and may, on its own motion, initiate an application for rezoning the property.

34.519 Reserved

HD – HISTORIC DISTRICT

34.520 Purpose: The HD (Historic Overlay) District enables the adoption of special performance and development standards in combination with site 4 of a base district for areas of special historical or architectural significance within the City of Red Cloud. The District recognizes the importance of historically and architecturally significant districts to the character of Red Cloud and provides for their conservation.

34.521 Procedure for Adoption

- a. Proposal: The creation of an HD Historic Overlay District may be initiated by the Planning Commission, the City Council, or by petition of the owner or owners of 51% of the property area within the proposed district.
- b. Requirements for Application: An application for the creation of an HD Overlay District must include:
 1. A statement describing the proposed district's special historical or architectural characteristics and stating the reasons for proposal of the district
 2. A map indicating the boundaries of the proposed HD Overlay District, specifying the base district(s) included within these boundaries
 3. An inventory of the buildings or historically important sites located within the boundaries of the proposed district
 4. Supplemental site development regulations, design criteria, and performance standards that apply to the proposed district.

34.522 Adoption of District

- a. The Planning Commission and City Council shall review and evaluate each HD Overlay District application.
- b. The Planning Commission, after proper notice, shall hold a public hearing and act upon each application.
- c. The Planning Commission may recommend amendments to HD district applications.
- d. The recommendation of the Planning Commission shall be transmitted to the City Council for final action.
- e. The City Council, after proper notice, shall hold a public hearing and act upon any ordinance establishing an HD Overlay District.

- f. The ordinance adopting the HD District shall include a statement of purpose, a description of district boundaries, and a list of supplemental site development regulations and performance standards.
- g. An ordinance adopting an HG Overlay District shall require a favorable vote of 75% of the members of the City Council for approval if the Planning Commission recommends denial of the Ordinance.
- h. Upon approval by the City Council, each HD Overlay District shall be shown on the Zoning Map identified sequentially by order of enactment, and referenced to the enacting ordinance.

34.523 Building Permits: Building or other development permits issued by the City in an HD District shall follow review and approval established within the City by policy or by a Landmarks Preservation Ordinance, when adopted and in force.

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ARTICLE 6: SUPPLEMENTAL USE REGULATIONS

35.601 Purpose: The Supplemental Use Regulations set forth additional standards for certain uses located within the various zoning districts. These regulations recognize that certain use types have characteristics that require additional controls in order to protect public health, safety, and welfare. These regulations complement the use regulations contained in Article 4 of this Ordinance. The regulations contained in this Article pertain both to uses allowed by right within various zoning districts, and to uses that require approval as Special Uses by the Board of Adjustment, as set forth in the Red Cloud Code Section 2-203. Nothing contained in this Article shall limit the right of the Board of Adjustment to impose additional conditions on developments seeking Special Use approval.

35.602 Supplemental Use Regulations: Agricultural Uses Nothing in these provisions shall relieve any property owner or user from satisfying any condition or requirement associated with a previous approval, special permit, variance, development permit, or other permit issued under any local, State, or Federal ordinance or statute.

- a. **Horticulture and Crop Production: Retail Sales** Retail operation of garden centers or roadside stands associated with a primary agricultural use may be permitted in the AG District, subject to the following requirements:

1. Garden Centers:

- (a) A garden center is a building or premises used for the retail sale of plant materials or items useful in the growing or display of lawns, gardens, and plants.
- (b) Garden centers must conform to all site development regulations for the zoning district.
- (c) Any garden center adjacent to a residential district must maintain a 20-foot landscaped bufferyard, consistent with the standards established in Section 37.805.

2. Roadside Stands:

- (a) 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.
- (b) A roadside stand may be located within a required front yard, but no closer than 40 feet to the edge of a traveled road way.

(c) A roadside stand may operate for a maximum of 180 days in any one year.

b. Animal Production:

1. No commercial poultry or livestock operation shall be located within 100 feet of any residential or commercial zoning district.
2. Breeding and raising of small animals and fowl, such as birds, rabbits, chinchilla, and hamsters is permitted in the AG District, provided that any building housing such animals shall be at least 100 feet from any property line and 25 feet from any dwelling unit on the site. No animals with measurable odors shall be raised for commercial purposes within the city limits.
3. Within the AG District, any lot of 2 acres and over may maintain one horse, llama, or other equine and/or hooved animal and its immature offspring. Such a lot may have one additional animal for each additional two acres of lot area, up to a maximum total of three animals. No stable shall be located closer than 50 feet to any dwelling unit on the site.

c. Commercial Feedlots: Commercial Feedlots are not permitted within the jurisdiction of the City of Red Cloud.

35.603 Supplemental Use Regulations: Residential Uses

- a. Zero-Lot Line Single-Family: Detached Residential: Within a common development, one interior side yard may be equal to zero for single-family detached residential use, subject to the following additional regulations:
 1. The side yard opposite to the zero yard must equal at least twice the normal required minimum side yard and must, taken by itself, comply with all side yard requirements for the zoning district.
 2. The normal side yard setback requirement must be maintained adjacent to any lot with an existing structure not within the common development, or not otherwise designated for zero lot line use.
 3. An easement for maintenance of the zero lot line facade is filed with the Webster County Register of Deeds and the City Clerk at the time of application for a building permit.
- b. Single-Family Attached: When permitted, the minimum side yard opposite the common wall shall be equal to twice the normal required

side yard.

c. Townhouse Residential: Where permitted, townhouse residential is subject to the following regulations:

1. The minimum width for any townhouse lot sold individually shall be 25 feet, except within an approved creative subdivision.
2. Coverage percentages are computed for the site of the entire townhouse common development.

d. Two-Family Residential:

1. The second dwelling unit shall be located to the rear of the site and shall be separated from the front dwelling unit by a minimum of 25 feet.
2. The second dwelling unit shall be served by a driveway at least 10 feet in width, leading from a public street adjacent to the lot.

e. Downtown Residential and Group Residential Uses in the TC District: Downtown Residential and Group Residential uses are permitted in the TC District subject to the following conditions:

1. Downtown and Group Residential uses are permitted in the TC District only on levels above street level, except that a unit specifically designed for occupancy by disabled residents may be developed at street level, subject to approval by the Planning Commission.
2. Residents of units must be informed by the owner of the building that lawful commercial uses have priority over residential uses.
3. All upper level apartments must have two separate means of egress.
4. One parking space marked and reserved for tenants must be provided for each unit. This parking space shall be located within a maximum distance of 300 feet of the unit.

g. Group Residential: Where permitted, Group Residential use must comply with the following requirements:

1. Within the AG, R-1 and R-2 Districts, no more than six persons in addition to the family of the owner shall be permitted to reside in an owner-occupied dwelling unit. No more than five persons shall be permitted to reside in a non-owner-occupied dwelling unit.

2. A minimum of 250 square feet must be provided in the dwelling unit for each resident.

h. Mobile Home Parks: In the R-2 District, which permits mobile home residential use, such use may be configured in a Mobile Home Park or Mobile Home Subdivision. Following the effective date of this Ordinance, no mobile home shall be located outside of a Mobile Home Park or Mobile Home Subdivision. A Mobile Home Park is subject to approval as a Special Use by the Planning Commission and compliance with the following regulations:

1. Certification: A certification of compliance with all ordinances and regulations regarding mobile home licensing, zoning, health, plumbing, electrical, building, fire protection and any other applicable requirements, shall be issued by the Zoning Administrator prior to the occupancy of any new Mobile Home Park or any expansion of an existing Mobile Home Park.
2. Minimum and Maximum Area: A Mobile Home Park shall be considered to be one zoned lot. The contiguous area of a Mobile Home Park shall have a minimum of 2.5 acres and a maximum of 15 acres.

3. Density Requirements:

- (a) The minimum gross site area per dwelling unit shall be 5,000 square feet.
- (b) The minimum size of an individual mobile home space shall be 4,000 square feet for single-wide mobile home units and 6,000 square feet for double-wide mobile home units.
- (c) Each mobile home space shall have a width of at least 50 feet wide and a length of at least 80 feet.

4. Site Development Standards

- (a) Setbacks: Each Mobile Home Park shall have a minimum perimeter setback of 30 feet from adjacent non-residential uses and 50 feet from adjacent residential uses. No space for a dwelling unit or any other structure shall be permitted in the required setback.
- (b) Setback Landscaping: All area contained within the required setbacks, except sidewalks and private drives, shall be landscaped and screened in conformance with Article 8 of this Ordinance. Screening shall be provided in conformance with Article 8 for any common property line with another non-residential use.

- (c) Impervious Coverage: Impervious coverage for a Mobile Home Park shall not exceed 50% of the total site area.
- (d) Open Space: Each Mobile Home Park shall provide a minimum of 400 square feet of open recreational space per unit. Such space shall be provided at a central location accessible from all parts of the park by pedestrians. Required perimeter setbacks or buffers shall not be credited toward the fulfillment of this requirement.
- (e) Separation Between Mobile Home Units: The minimum separation between a mobile home unit and attached accessory structure and any other mobile home units and/or accessory structure shall be 15 feet.
- (f) Separation and Setbacks for Accessory Buildings: An accessory building on a mobile home space shall maintain a minimum rear and side yard setback of five feet. A minimum distance of 10 feet shall be provided between any mobile home and an unattached accessory building.

5. Street Access and Circulation Requirements

- (a) Access to Public Street: Each Mobile Home Park must abut and have access to a dedicated public street with a right-of-way of at least 60 feet. Direct access to a mobile home space from a public street is prohibited.
- (b) Vehicular Circulation: The Mobile Home Park must provide interior vehicular circulation on a private internal street system. Minimum interior street width shall be 27 feet. The street system shall be continuous and connected with other internal and public streets; or shall have a cul-de-sac with a minimum diameter of 90 feet. No such cul-de-sacs may exceed 300 feet in length.
- (c) Separation Between Units and Circulation Areas: The minimum distance between a mobile home unit and any attached accessory structure and the pavement of an internal street or parking area shall be 10 feet.
- (d) Sidewalks: Each Mobile Home Park shall provide a sidewalk system to connect each mobile home space to common buildings or community facilities constructed for the use of its residents and to the fronting public right of way. Sidewalk width shall be at least four feet.
- (e) Street and Sidewalk Standards: All internal streets and sidewalks shall be hard surfaced. Electric street lighting is required along all internal streets.

- (f) Parking Requirements: Each Mobile Home Park must provide at least two off-street parking stalls for each mobile home space.
6. Tornado Shelters: Underground tornado shelters shall be provided in the Mobile Home Park. Such shelter or shelters shall be built according to the recommendations of the Civil Defense authority and be large enough to meet the specific needs of the park and its residents.
7. Utilities
- (a) All Mobile Home Parks shall provide individual units and common facilities with an adequate, piped supply of water for both drinking and domestic purposes; and standard electrical service, providing at least one 120-volt and one 240-volt electrical service outlet to each mobile home space.
- (b) Complete sanitary and sewer service shall be provided within each Mobile Home Park in accordance with the Subdivision Chapter of the Land Development Ordinance.
- (c) Properly spaced and operating fire hydrants shall be provided for proper fire protection within each Mobile Home Park in accordance with the Subdivision Chapter of the Land Development Ordinance and other applicable city codes and public improvement design standards.
- (d) All electric, telephone, gas, and other utility lines shall be installed underground.
8. Financial Responsibility: Each application for a Mobile Home Park shall include a demonstration by the developer of financial capability to complete the project; and a construction schedule.
9. Completion Schedule: Construction must begin on any approved Mobile Home Park within one year of the date of approval by the Planning Commission. Such construction shall be completed within two years of approval, unless otherwise extended by the Commission.
10. All other uses and provisions of the Red Cloud Mobile Home Park regulations are incorporated herein by reference. These provisions include tie-down and other structural requirements included in the Red Cloud Municipal Codes.
- i. Mobile Home Subdivisions
1. Mobile Home Subdivisions shall be developed in accordance with all standards and requirements set forth in the Subdivision Chapter of the Land Development Ordinance of Red Cloud. Site development

regulations shall be the same as those required in the R-2 Zoning District. Each mobile home shall be considered a single-family detached residential unit for the purpose of determining applicable development regulations.

2. Mobile home units within Mobile Home Subdivisions shall be built in accordance with the minimum design standards of the U.S. Department of Housing and Urban Development and display a certification of such compliance.
3. Mobile Home Subdivisions shall provide tornado shelter facilities as required by Section 35.603(f)(5).
4. The minimum size of a mobile home subdivision shall be 10 acres.

j. Earth-Sheltered Residences: No subterranean or basement structure shall be occupied for residential purposes, except for those that meet the following requirements as earth-sheltered residences:

1. The living area shall be provided with exterior windows and/or skylights with a total glassed area of at least 10% of the gross floor area of the residence. Such windows or skylights shall give direct access to natural light and open space.
2. All earth sheltered residences shall conform to the development regulations for their respective zoning districts.
3. An outdoor space shall be provided immediately outside one wall of the residence that has:
 - a) A minimum size of 500 square feet.
 - b) A minimum width of 20 feet.
 - c) An average grade elevation no more than 2 feet above or below the finished floor elevation of the residence.
4. All earth-sheltered residences shall have structural systems designed by a professional structural engineer and shall have plans signed and approved by such engineer.

35.604 Supplemental Use Regulations: Civic Uses

- a. Community Centers and Clubs: Clubs located adjacent to residential uses shall maintain a bufferyard of not less than 40 feet along the common

boundary with such residential use.

b. Day Care

1. Limited Day Care uses are permitted on residential lots and may be operated by the occupant of a dwelling unit on the site.
2. Day care facilities are permitted by Special Use permit in the I Industrial Zoning District only if incidental to a permitted primary use.
3. Day care centers accommodating more than four children or adults shall:
 - a) Not be located along a major arterial street as designated in the City's Comprehensive Development Plan.
 - b) Provide at least 100 square feet of open space per child, entirely enclosed by a building, fence, or wall with a height of at least six feet.
 - c) Conform with all requirements and licensures of the State of Nebraska.

c. Group Care Facilities and Group Homes

1. Each group care facility or group home must be validly licensed by either the State of Nebraska or the appropriate governmental subdivision.
2. Group homes are permitted in the TC District only on levels above street level except that a facility specifically designed for occupancy by disabled residents may be developed at street level, subject to approval of a special permit by the City Council with the recommendation of the Planning Commission.

35.605 Supplemental Use Regulations: Commercial Uses

a. 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. Screening is subject to provisions of Article 8 of this Ordinance.
2. Any spray painting must take place within structures designed for that purpose and approved by the Building Official.

b. Auto Washing Facilities

1. Each conveyor operated auto washing facility shall provide 100 feet of stacking capacity per washing lane on the approach side of the washing structure and stacking space for two vehicles on the exit side.
2. Each self-service auto washing facility shall provide stacking space for three automobiles per bay on the approach side and one space per bay on the exit side of the building.

c. 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.

d. Bed and Breakfasts: Bed and Breakfasts permitted in the TC District must provide any sleeping facility only on levels above street level except that units specifically designed and reserved for occupancy by handicapped people may be located on the street level.

e. Campgrounds

1. Minimum Size: Each campground established after the effective date of this Ordinance shall have a minimum size of one acre.
2. Setbacks: All campgrounds shall maintain a 50-foot front yard setback and a 25-foot bufferyard from all other property lines.
3. Each campground must maintain water supply, sewage disposal, and water and toilet facilities in compliance with all City ordinances; or, alternately, be limited to use by self-contained campers providing their own on-board water and disposal systems.

f. Convenience Storage: When permitted in the AG, GC, and LI Districts, convenience storage facilities shall be subject to the following additional requirements:

1. The minimum size of a convenience storage facility shall be one acre.
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 within the facility shall provide a paved 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 buildings may open into required front yards.
6. Facilities must maintain landscaped bufferyards of 35 feet adjacent to any public right-of-way and 20 feet adjacent to other property lines, unless greater setbacks are required by Article 8.

g. Kennels

1. The minimum lot size shall be two acres.
2. No building or dog runs shall be located nearer than 1,000 feet to the property line of any residential use or district.
3. All kennel facilities shall be screened around such facilities or at property lines to prevent distracting or exciting animals. Screening shall be of a type provided by Article 8, establishing landscape and screening standards.

h. Restricted Businesses: No restricted business shall be permitted within 1,000 feet of any residential or civic use type.

35.606 Supplemental Use Regulations: Industrial Uses

- a. Resource Extraction Resource extraction, where permitted, is subject to the following additional requirements:
 1. Erosion Control: A resource extraction use may not increase the amount of storm run-off onto adjacent properties. Erosion control facilities, including retention and sediment basins, are required of each facility, if necessary, to meet this standard.
 2. Surface Drainage: The surface of the use may not result in the collection or ponding of water, unless specifically permitted by the City Council.
 3. Storage of Topsoil: Topsoil shall be collected and stored for redistribution following the end of the operation.
 4. Elimination of Hazards: Excavation shall not result in a hazard to any person or

property. The following measures are required:

- i. Restoration of slopes to a gradient not exceeding 33% as soon as possible.
- ii. Installation of perimeter safety screening.
- iii. Installation of visual screening adjacent to any property within a residential or public use district.
- iv. Restoration of Landscape: The topography and soil of the resource extraction site shall be restored and stabilized within nine months of completion of the operation. The site shall be seeded, planted, and contoured in a way that prevents erosion. Alternately, the site may be used as a lake or body of water, subject to approval by the City Council with the recommendation of the City Council and the Department of Natural Resources.

b. 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 10 feet. Any such enclosure shall be constructed behind required landscaped bufferyards.
- (b) Each existing salvage services facility shall be screened as provided above within one year of the effective date of this Ordinance.
- (c) All enclosures shall be of uniform height, texture, and color, and shall be maintained by the proprietor to ensure maximum public safety and to completely obscure the public view of materials stored in the facility.

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 loading, unloading, or any other operational activity involving salvage materials may take place outside the boundaries of the enclosure. Burning of any materials shall be prohibited.
4. No Salvage Services use may be established within 1,000 feet of the nearest property line of a residential zoning district or any civic use.

35.607 Performance Standards for Industrial Uses

- a. Industrial Uses in the LI District: Performance Standards The following performance standards apply to all industrial uses permitted within an LI Limited Industrial zoning district:

1. Physical Appearance: All operations shall be carried on within an enclosed building except that new materials or equipment in operable condition may be stored outside. Normal daily inorganic wastes may be stored outside in containers provided that such containers are not visible from the street.
2. Fire Hazard: No operation shall involve the use of highly flammable gases, acid, liquids, or other inherent fire hazards. This prohibition shall not apply to the normal use of heating or motor fuels and welding gases when handled in accordance with the regulations of Webster County and the City of Red Cloud.
3. Maximum Permitted Sound Levels Adjacent to Residential Zoning Districts: No operation in the LI district shall generate sound levels in excess of those specified in **Table 6-1** at the boundary of a residential district. All noises shall be muffled so as not to be objectionable because of intermittence, beat frequency, or shrillness.
4. Sewage and Wastes: No operation shall discharge into a sewer, drainage way, or the ground any material which is radioactive, poisonous, detrimental to normal sewer plant operation, or corrosive to sewer pipes and installations.
5. Air Contaminants: No material may be discharged into the air from any source in such quantity as to cause injury, detriment, nuisance or annoyance to any considerable number of people or to the public in general; or to endanger the health, comfort, or safety of any considerable number of people or to the public in general; or to damage other businesses, vegetation, or property.
6. Odor: The emission of odors determined by the Planning Commission to be obnoxious to most people shall be prohibited. Such odors shall be measured at the property line of the operation.
7. Gases: No release of noxious or poisonous gases shall be permitted except as provided in this Article. Measurements of sulfur dioxide, hydrogen sulfide, or carbon monoxide shall not exceed 5 parts per million taken at the property line of the operation.
8. Vibration: All machines shall be mounted to minimize vibration. No measurable vibration shall occur at the property line of the operation which exceeds a displacement of 0.003 inch.
9. Glare and Heat: All glare generated by a use shall be shielded or directed so as not to be visible at the property line of the operation. No heat may be generated from an operation that raises the air temperature at the property line of the operation by more than five degrees Fahrenheit above the

ambient air temperature.

10. Storage of Chemical Products: If allowed by Special User Permit, any above or below ground storage of liquid petroleum products or chemicals of a flammable or noxious nature shall not exceed 150,000 gallons when stored on one lot less than one acre. Such storage shall not exceed 25,000 gallons in any one tank. Storage of liquid petroleum products or chemicals of a flammable or noxious nature in excess of 25,000 gallons shall be located at least 50 feet from any structure intended for human habitation and at least 200 feet from any Residential, Office, or Commercial zoning district.

35.608 Maximum Permitted Sound Levels Adjacent to Residential Zoning Districts

Table 6-1 displays the maximum permitted sound levels that may be generated by uses in GC or LI zoning districts where adjacent to residential zoning districts. All necessary 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 specifications for a Type II or better general purpose sound level meter. The A-weighted response shall be used.

Table 6-1 Maximum Permitted Sound Levels Adjacent to Residential Boundaries

Originating Zoning District	Time	Maximum One Hour Leq*
		(dbA)
GC, LI	7:00 a.m. - 10:00 p.m.	60
	10:00 p.m. - 7:00 a.m.	55
GI	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.

35.609 Supplemental Use Regulations: Miscellaneous Uses

a. Communications Towers: Communications towers, where permitted, are subject to the following additional requirements:

1. Co-Location: It is the policy of the City of Red Cloud to encourage the co-location of new communications towers with existing towers or as part of suitable existing structures. All applications for approval of a communications tower location shall include evidence that all potential alternatives for location of existing towers or suitable buildings has been explored and exhausted. Applicants may not be denied space on an existing tower within the City of Red Cloud unless mechanical, structural, or regulatory factors prevent co-location.
2. Towers shall be located so that the distance from the base of the tower to any adjoining property line of the supporting structure of another separate tower is a minimum of 100% of the tower height.
3. The tower facility shall be designed to be aesthetically and architecturally compatible with the built environment of the City of Red Cloud. Associated support buildings shall be designed with materials that are consistent with those in the surrounding neighborhood. Metal exteriors shall not be permitted for support accessory buildings.
4. All tower facilities shall provide landscaped peripheral yards with a minimum depth of 35 feet. One tree consistent with the provisions of Article 8 shall be planted for every 500 square feet of required peripheral yard area.

b. Landfills

1. Compliance with Codes: Each landfill must comply with all relevant city, county, State, or Federal codes and statutes.
2. Prevention of Hazards: No facility shall present a hazard to surrounding residents or properties.
3. Drainage and Water Supply: No landfill may modify or prevent the flow of major natural drainage ways within the jurisdiction of the City of Red Cloud. Landfills shall not produce a measurable increase in pollution in any public water-based recreational facility or in any waterway or well that is a part of a public or private water supply.
4. Minimum Separation from Residential Uses: No non-putrescible landfill

may be established within 300 feet of a developed residential or public use. No landfill involving the disposal of putrescible or septic wastes shall be established within one-fourth mile of any residential public or commercial zoning district or any State or Federal Highway.

5. Restoration of Site: The site of any landfill must be restored, stabilized, planted, and seeded within six months after the end of the operation. Dissipation of waste products must be accomplished in a manner approved by the State of Nebraska Department of Environmental Quality.
6. Toxic Waste: The disposal of hazardous, toxic, or radioactive wastes as defined by the Federal Environmental Protection Agency shall be prohibited within the City of Red Cloud and its extra-territorial jurisdiction.

c. Wind Energy Conservation Systems (WECS)

1. The distance from all lot lines or any building or power line to any tower support base of a WECS shall be equal to the sum of the tower height and the diameter of the rotor. A reduction of this requirement may be granted as part of a Special Use Permit approval if the Planning Commission finds that the reduction is consistent with public health, safety, and welfare.
2. The distance between the tower support bases of any two WECS shall be the minimum of five rotor lengths, determined by the size of the largest rotor. A reduction of this requirement may be granted as part of a Special Use Permit approval if the Planning Commission finds that the reduction does not impede the operation of either WECS.
3. The WECS operation shall not interfere with radio, television, computer, or other electronic operations on adjacent properties.
4. A fence six feet high with a locking gate shall be placed around any WECS tower base; or the tower climbing apparatus shall begin no lower than 12 feet above ground.
5. The WECS is exempt from the height restrictions of the base district.

35.610 Supplemental Use Regulations: Accessory Uses

- a. Home-Based Businesses/Home Occupation: Home-based businesses and home occupations are permitted as an accessory use in residential units subject to the following conditions:

1. External Effects:

- (a) There shall be no change in the exterior appearance of the building or premises housing the home occupation other than signage permitted within this Article.
- (b) No noise, odors, bright lights, electronic interference, storage or other external effects attributable to the home occupation shall be noticeable from any adjacent proper or public right-of-way.
- (c) The home occupation shall be carried on entirely within the principal residential structure and/or within a detached accessory building approved by the City in accordance with these Zoning Regulations. All "External Effects " criteria in items a. 1. (a), (b), (d), (e) and (f) of this subsection are applicable for the detached accessory building. Signage is not allowed upon the detached accessory building.
- (d) Mechanical or electrical equipment supporting the home occupation shall be limited to that which is self-contained within the structure and normally used for office, domestic or household purposes.
- (e) No outdoor storage of materials or equipment used in the home occupation shall be permitted other than motor vehicles used by the owner to conduct the occupation. Parking or storage of heavy commercial vehicles to conduct the home occupation is prohibited
- (f) No home occupation shall discharge into any sewer, drainage way, or the ground any material which is radioactive, poisonous, detrimental to normal sewer plant operation, or corrosive to sewer pipes and installations.

2. Employees: The home occupation shall employ no more than one full-time or part-time employee on site other than the residents of the dwelling unit, provided that one off-street parking space is made available and used by that non-resident employee.

3. Extent of Use: For all residential and agricultural zoning districts, the lesser of 25% of the floor area of the dwelling, or 400 square feet, may be devoted to the home occupation inclusive of any detached accessory buildings used for the home occupation.

4. Signage: Each home-based business shall be permitted to have one wall sign not to exceed four square feet in area.

5. Traffic Generation and Parking:

- a. Home-based businesses may generate no more than 10 vehicle trips per day, corresponding to amount of traffic normally generated by a dwelling unit.
 - b. Deliveries or service by commercial vehicles or trucks rated at 10 tons' gross empty weight is prohibited for any home-based business located on a local street.
 - c. Parking needs generated by a home-based business shall be satisfied with off-street parking. No more than one vehicle used in connection with any home occupation shall be parked on the property. Such parking shall not be located in a required front yard. No more than two on-street parking spaces shall be used by the home occupation at any one time.
6. Prohibited Home-Based Businesses/Home Occupations: The following activities are prohibited as home-based businesses, even if they meet the other requirements set forth in this Article:
- (a) Animal hospitals.
 - (b) Beauty and Barber Shops, except with a Special Use Permit.
 - (c) General retail sales.
 - (d) Mortuaries.
 - (e) Stables or kennels.
 - (f) Repair shops or service establishments, including major electrical appliance repair, motorized vehicle repair, and related uses.
 - (g) Stables or kennels.
 - (h) Welding, vehicle body repair, or rebuilding or dismantling of vehicles.
- b. Permitted Accessory Uses – Residential Uses: Residential uses may include the following accessory uses, activities, and structures on the same lot.
- 1. Private garages and parking for the residential use.
 - 2. Recreational activities and uses by residents.
 - 3. Home occupations, subject to Section 35.611(a) of these Regulations.
 - 4. Residential convenience services for multi-family uses or mobile home parks.

5. Garage sales, provided that the frequency of such sales at any one location shall not exceed one during a continuous, two-month period, or four sales during any twelve-month period.
- c. Permitted Accessory Uses – Civic Use Types: Guidance Services and Health Care use types are permitted in the LI Limited Industrial zoning districts only as accessory uses to a primary industrial use.
- d. Permitted Accessory Uses – Other Use Types: Other use types may include the following accessory uses, activities, and structures on the same lot:
 1. Parking for the principal use.
 2. Manufacturing or fabrication of products made for sale in a principal commercial use, provided such manufacturing is totally contained within the structure housing the principal use.
 3. Services operated for the sole benefit of employees of the principal use.
- e. Permitted Accessory Uses – Agricultural Use Types:
 1. Garden centers and roadside stands, subject to the regulations set forth in Section 35.602(a)(2).
 2. Other uses and activities necessarily and customarily associated with the purpose and functions of agricultural uses.

35.611 Supplemental Use Regulations – Outdoor Storage Outside of the LI Zoning

District: Outdoor storage is prohibited in all zoning districts except the LI General Industrial zoning district, except as provided in this section.

- a. Agricultural Use Types: Outdoor storage is permitted only where incidental to agricultural uses.
- b. Civic Use Types: Outdoor storage is permitted only where incidental to Maintenance Facilities.
- c. Commercial Use Types
 - 1 Outdoor storage is permitted where incidental to Agricultural Sales and Service; Auto Rentals and Sales; Construction Sales; Equipment Sales and Service; Stables and Kennels; and Surplus Sales.

- 2 Outdoor storage is permitted where incidental to Auto Services, Equipment Repair, and Body Repair, provided that such storage is completely screened at property lines by an opaque barrier, as set forth in Section 35.805. This provision shall apply to any Auto Services, Equipment Repair, or Body Repair use established after the effective date of this Ordinance.

35.612 Industrial and Miscellaneous Use Types

- a. Outdoor storage is permitted where it is incidental to industrial uses within the AG and I zoning districts. Any such outdoor storage is subject to screening requirements set forth in Article 8.
- b. Outdoor storage is permitted where incidental to landfills.

35.613 Supplemental Use Regulations – Temporary Uses

- a. Purpose: These provisions are intended to permit occasional, temporary uses and activities, when consistent with the objectives of the Zoning Ordinance and compatible with surrounding uses. They are further intended to prevent temporary uses from assuming the character of permanent uses.
- b. Temporary Use Types: The following temporary uses are permitted, subject to the regulations contained within these Articles:
 1. Model homes or apartments, if contained within the development to which they pertain.
 2. Development sales offices. Such offices may remain in place until 90% of the lots or units within the development are sold and may not be located within a mobile home or manufactured home/structure.
 3. Public assemblies, displays, and exhibits.
 4. Commercial circuses, carnivals, fairs, festivals, or other transient events, provided that events are located on property owned by the sponsoring non-profit organization, or are located within a TC or more intensive zoning district.
 5. Outdoor art shows and exhibits.
 6. Christmas tree or other holiday-related merchandise sales lots,

provided that such facilities are not located in a Residential zoning district.

7. Construction site offices, if located on the construction site itself.
8. Outdoor special sales, provided that such sales operate no more than three days in the same week and five days in the same month, and are located in Commercial or Industrial zoning districts.
9. Construction Batch Plants in the I District, provided that:
 - (a) No plant may be located within 600 feet of a developed residential use, park, or school.
 - (b) The facility is located no more than one mile from its job site. The Zoning Administrator may extend this distance to two miles' local streets by plant-related vehicles.
 - (c) Hours of operation do not exceed 12 hours per day.
 - (d) The duration of the plant's operation does not exceed 180 days.
10. Additional temporary uses that the Zoning Administrator determines to be similar to the previously described uses in this Article.

c. Required Conditions of All Temporary Uses

1. Each site shall be left free of debris, litter, or other evidence of the use upon its completion or removal.
2. The Zoning Administrator may establish other conditions which he/she deems necessary to ensure compatibility with surrounding land uses.

d. Permit Application and Issuance

1. An application to conduct a temporary use shall be made to the Zoning Administrator and shall include at a minimum a description of the proposed use, a diagram of its location, information regarding hours and duration of operation, and other information necessary to evaluate the application.
2. The Zoning Administrator may authorize a temporary use only if he/she determines that:
 - (a) The use will not impair the normal operation of a present or future permanent use on the site.

- (b) The use will be compatible with surrounding uses and will not adversely affect the public health, safety, and welfare.
- 3. The duration of the permit shall be explicitly stated on the permit.
- 4. Decisions of the Zoning Administrator may be appealed to the Board of Adjustment, as set forth in the Red Cloud Code Section 2-203.

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ARTICLE 7: SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

36.701 Purpose: The Supplemental Site Development Regulations establish basic requirements for developable lots, including frontage requirements. They also recognize the existence of special conditions that cannot comply literally with the site development regulations set out for each zoning district. Therefore, these regulations qualify or modify the district regulations of this Ordinance and provide for specific areas of exception.

36.702 Required Street Frontage: Except as permitted below, any lot used in whole or part for residential purposes shall provide a minimum frontage of 20 feet along at least one public street, or shall possess an exclusive, uninterrupted private easement of access or right of way of at least 20 feet wide to a public street. There shall not be more than one single-family housing unit for such frontage or easement. A common easement of access at least 50 feet in width may be provided for two or more single-family units or for one or more duplex, two-family, townhouse, or multiple-family housing units.

36.703 Lot Size Exceptions: In any district permitting residential use types, a single-family or duplex use type may be located on any lot or plot of official record as of the effective date of this Ordinance, regardless of its area or width, but subject to the following requirements:

- a. The sum of the widths of the side yards of such lot shall be the lesser of those required by the district regulations or 25% of the width of the lot. No single side yard shall be less than 10% of the width of the lot.
- b. The depth of the rear yard of such lot need not exceed 20% of the depth of the lot, but shall not be less than 20 feet.
- c. If two or more such adjacent lots are combined under single ownership, the resulting combined lots shall be treated as a single lot for purposes of applying these setback requirements.

36.704 Setback Adjustments

- a. Lots Adjoining Alleys: In calculating the depth of a required side or rear yard setback for a lot adjoining a dedicated public alley, one-half of the alley may be credited as a portion of the yard. However, no residential structure may be nearer than three feet to the near side of the alley.
- b. Encroachments on Required Yards: Every part of a required yard shall be open and unobstructed from finished grade upward, except as specified herein.

1. Architectural projections, including roofs which cover porches, enclosed porches, window sills, belt courses, cornices, eaves, flues and chimneys, and ornamental features may project three feet into a required yard.
2. Terraces, patios, uncovered decks, and ornamental features which have no structural element more than two feet above or below the adjacent ground level may project 10 feet into a required yard. However, all such projections must be set back at least three feet from an adjacent side lot line, or twenty feet from any street property line.
3. Fire escapes, fireproof outside stairways, and balconies opening to fire towers may project a maximum of three feet into required yards, provided that they do not obstruct the light and ventilation of adjacent buildings.
4. For buildings constructed upon a front property line, a cornice may project into public right-of-way. Maximum projection is the smaller of four feet or 5% of the right-of-way width.
5. In commercial districts, a canopy may extend into a required front yard, provided that the canopy is set back at least five feet from the front property line, covers less than 15% of the area of the required front yard, and has a vertical clearance of at least eight feet six inches.
6. Accessory buildings are subject to all site development regulations of its zoning district, except as provided below:
 - (a) Side Yards: An accessory building may be located a minimum of five feet from the side lot line of the property if it is located between the rear building line of the principal building and the rear property line.
 - (b) Front Yards: No accessory building may be located between the front building line of the principal building and the front property line.
 - (c) Rear Yard: The minimum rear yard setback for accessory buildings shall be five feet. This minimum rear yard setback shall be increased to 15 feet if the accessory building requires vehicular access from an alley. Double-frontage lots shall require front-yard setbacks along both street frontages as set forth in **Table 4-3**. Easements may be incorporated into these required setbacks. No accessory building shall be located within any easement or right-of-way along the rear property line.
 - (d) Street Yards: No accessory building shall be located within 20 feet from any street right-of-way line.

- (e) Maximum Size: No accessory building, other than a garage, shall exceed 144 square feet, or 15% of total lot area, whichever is larger, within an R-1 or R-2 residential district, providing that the necessary building permit is obtained. The maximum size of a detached garage for a single-family detached, single-family attached, or duplex residential uses shall not exceed 550 square feet, or 25% of the building coverage of the main residential structure, whichever is larger. All accessory buildings on a site, taken together, must comply with the building coverage requirements for the zoning district and shall not occupy more than 30% of any required rear yard. This regulation shall not prohibit construction of a single 550 square foot garage on a minimum rear yard, even if such construction exceeds the 30% rear yard coverage restriction.
 - (f) Height: In residential districts, the maximum height for a detached garage and/or other accessory building shall be 20 feet.
 - (g) Separation from Other Buildings: No accessory building shall be placed within 10 feet of any other building on its own property or any adjacent properties.
 - (h) Attached Accessory Buildings: Any accessory building physically attached to the principal building shall be considered part of the principal building and subject to the development regulations of its zoning district.
 - (i) Effect on Adjacent Properties: If an adjacent lot is built upon, the accessory building must be entirely to the rear of the line of any principal building on such adjacent lot. No accessory building shall damage adjacent property by obstructing views, inhibiting solar access, or hindering ventilation.
 - (j) Hazards: Any accessory use which creates a potential fire hazard shall be located a minimum of 10 feet from any residential structure. Such uses include but are not limited to detached fireplaces, barbecue ovens, or storage of flammable materials.
 - (k) No accessory building shall be built upon any lot until construction of the principal building has begun.
7. Lamp posts with a maximum height of 10 feet, and flag poles up to a maximum height of base district may be located within required yards, provided they are set back at least five feet from property lines.
8. **Garage Setbacks**: Any garage that fronts on a public street must be set back at least 20 feet from such street, regardless of the setback requirement within the zoning district.

c. Setback Adjustments

1. Setbacks on Built-Up Blockfaces: These provisions apply if 30% or more of the buildings on that blockface have front yard setbacks different from those required for the specific district.

- (a) If a building is to be built on a parcel of land within 100 feet of existing buildings on both sides, the minimum front yard shall be the mean setbacks of the adjacent buildings.
- (b) If a building is to be built on a parcel of land within 100 feet of an existing building on one side only, the minimum front yard shall be the setback of the adjacent building.
- (c) If a building is to be built on a parcel of land not within 100 feet of an existing building on either side, then the minimum front yard shall be the mean setback of all existing buildings on the blockface.
- (d) No setback adjustment pursuant to this Article shall create a required front yard setback more than five feet greater than that otherwise required by the applicable zoning district.

2. Corner Lots: Required setbacks shall not reduce the buildable width of any corner lot to less than 24 feet. Appropriate setback adjustments shall be allowed to maintain this minimum width.

d. Rear Yard Exceptions – Residential Uses: When an irregular lot is used for residential purposes, the rear yard may be measured as the average horizontal distance between the building and rear lot line, provided that the minimum setback shall not less than 60% of the rear yard required by the zoning district.

e. Double Frontage – Lots: Residentially zoned double frontage lots on a major street, and with no access to that street, may have a 25-foot minimum front yard setback along said street. All other double frontage lots must provide full front yard setbacks from each adjacent street.

f. Satellite Antennas

1. Each lot shall have no more than one satellite antenna.

2. Antennas with a surface area over 6.3 square feet which are accessory to a primary use and are designed to receive and transmit electromagnetic signals, or to receive signals from satellites, shall not be located within any front yard of the primary use.

3. Antennas with a surface area of over 6.3 square feet are subject to the following additional regulations:

- (a) Such antennas shall be located no less than 10 feet from the property

line of an adjacent property line.

- (b) The maximum height shall be 15 feet and the maximum diameter shall be 11 feet.
- (c) Each antenna shall be screened by a six-foot-high wood or masonry fence, or by natural plants or trees of equal minimum height.

g. Vision Clearance Zones

- 1. Except in the TC District, no structure, including a fence, shall be built to a height of more than three feet above the established curb grade on the part of the lot within as vision clearance zone. The vision clearance zone shall be a triangle measured from the point of intersection of the center line of the triangle to a point 90 feet in each direction from the intersection along such centerlines. At intersection of major streets, the 90-foot distance, shall be increased to 120 feet.
- 2. No landscaping shall be planted in such area which will materially obstruct the view of drivers approaching the street intersection.

36.705 Height Exceptions: These provisions allow exceptions to the height limit of any zoning district in certain situations.

- a. Vertical Projections: Chimneys, cooling towers, building mechanical equipment, elevator bulkheads, fire towers, grain elevators, non-parabolic receiving antennas, tanks, solariums, steeples, penthouses not exceeding 25% of total roof area, flag poles, stage towers or scenery lofts, and water towers may be built to any height in accordance with existing and future ordinances.
- b. Amateur Radio Towers and Federal Communication Commission 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 Board of Adjustment, as set forth in the Red Cloud Code Section 2-203, 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.
- c. Civic Buildings: Buildings housing civic use types may be built to a maximum height of 60 feet. Such buildings located in residential districts shall be set back one foot in addition to required setbacks from each property line for each foot of height over the maximum height of the zoning district.
- d. Communications Towers: Communications towers, when operated by a federally-licensed commercial or non-profit organization, may be built to any height in accordance with existing and future ordinances. This exception does not apply to radio towers, antennas and other appurtenances operated by licensed amateur radio operators. Such towers are subject to the requirements of Section 35.609(c).
- e. Wind Energy Conservation Systems (WECS): Wind Energy Conservation Systems are exempt from the height restrictions of the base district but is subject to the regulations of Section 35.609(c).
- f. Special Use Approvals: The Board of Adjustment, as set forth in the Red Cloud Code Section 2-203, may grant an exception from the height limit for a zoning district for a Special Use as part of its approval of that use. The limit or extent of this exception shall be a specific part of the special use permit.
- g. Federal Aviation Administration Rules: No structure may be built in any zoning district which exceeds the maximum height permitted under the rules of the Federal Aviation Administration. These rules describe the glide angles and operational patterns for any airport within the planning jurisdiction of the City of Red Cloud.

36.706 Exceptions to Site Development Regulations for Creative Subdivisions

- a. Purpose: In the instance that the Subdivision Chapter of the Land Development Ordinance provides for creative subdivisions, the City may authorize such subdivisions to allow for greater flexibility in the design and development of subdivisions in order to produce innovative residential environments, to provide for more efficient use of land, to protect topographic and to encourage the preservation of common areas and open space. These special regulations and design exceptions apply only to creative subdivisions.
- b. Area Per Unit: Unless otherwise provided, the site area per unit for a creative

subdivision as a whole shall be that of the zoning district in which such subdivision is located. For the purpose of computing sit area per unit, the area of public streets and private ways within the subdivision must be excluded. Residential use types may be combined within the creative subdivision provided that the subdivision as a whole complies with the required maximum density of the zoning district.

c. Perimeter Yards

1. Structures must maintain normal street yard setbacks from any public streets that form the perimeter of the development.
2. Structures must maintain a 20 foot minimum sideyard setback from any property line that forms the boundary of the development.

d. Area and Yards for Individual Lots

1. Individual lots within a creative subdivision are exempt from minimum lot area or yard setback requirements set forth elsewhere in this Ordinance, unless provided for by the regulations for a specific zoning district. A creative subdivision must be planned and developed as a common development. A minimum separation of 20 feet shall be established for all residential structures not attached to one another, unless the City Council grants a specific exception for developments proposing unique circumstances, only in as much as said development can be demonstrated to avoid detriment to Red Cloud's efforts to protect public health, safety, welfare, community character, property values and aesthetics.
2. Any private garage oriented to or facing a public street or private way internal to the creative subdivision must be set back a minimum of 2.5 feet from that public street or private way.

- e. Coverage and Landscaping Requirements: Individual lots in a creative subdivision are exempt from maximum building and impervious coverage limitations and street yard landscaping requirements established for the zoning district. However, the subdivision as a whole, including streets, walks, and access ways, must comply with the building and impervious coverage regulations for its zoning district.

36.707 Fence Regulations

- a. Location Restriction: Unless otherwise provided by this Ordinance or other Articles or Sections of the Red Cloud Municipal Code, no fence shall be built on any lot or tract outside the surveyed lot lines, or tract outside the surveyed lot lines, or adjacent to any Municipal property, excluding public streets.

- b. Required Openings: Unless otherwise provided by this Ordinance or other Articles or Sections of the Red Cloud Municipal Code, any fence built on residential property within required front or street side yards, shall contain openings constituting no less than 50% of the surface area of the fence.
- c. Sight Obstruction: No solid fence permitted or required by this article or other sections of the Red Cloud Municipal Code shall be built within a triangle formed by the adjacent side lines of two intersecting streets and a line connecting points 30 feet on each leg from their point of intersection, or otherwise in any manner create a traffic hazard or obstruction to visibility.
- d. Facing: The finished surfaces of any fence shall face toward adjacent properties and street frontage.
- e. Effect on Adjacent Properties: No accessory building shall damage adjacent property by obstructing views, inhibiting solar access, or hindering ventilation.
- f. Residential Fences: Fences constructed within residential districts or on land used for residential purposes are subject to the following provisions.
 - 1. Height: The maximum height of a fence within a required front yard or street side yard setback shall be four feet. The maximum height for any fence outside of a required front yard shall be six feet.
 - 2. Exception for Street Side Yards: 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.
 - 3. Exception to Openness Requirement: Fences built on residential property outside of required front or street side yards may exceed of 50% closed construction.
 - 4. Exception for Front Yards of Double Frontage Lots: A fence built within the required front yard of a double frontage lot may be a maximum of six feet in height and may exceed 50% closed construction if such lot fronts an arterial street or expressway, as defined in the Comprehensive Development Plan of the City of Red Cloud, and if such frontage does not provide primary access to the property.
 - 5. Materials: Fences shall be constructed of wood, chain-link, PVC/resin, stone or masonry materials only. Wood fences shall utilize standard building lumber only. Barbed wire and/or electrified fences are not

permitted and are defined as any fence that includes in its material barbs, blades, razors, electric current or other features specifically designed to injure or abrade an individual or animal who attempts to negotiate the fence.

g. Civic, Office, Commercial, and Industrial Fences: Fences constructed in commercial and industrial districts are subject to the following special provisions:

1. The maximum height of a fence for any permitted use in any non-residential zoning district shall be eight feet.
2. Civic Uses in Residential Districts: The maximum height of fences installed as part of Primary and Secondary Educational Facilities or Park and Recreation Use Types within Residential Zoning Districts, shall be eight feet.
3. The Board of Adjustment, as set forth in the Red Cloud Code Section 2-203, may approve greater fence heights on a case-by-case basis if it concludes that such permission furthers the health, safety, and welfare of the residents of the City of Red Cloud.
4. Barbed wire shall not be used in the construction of any fence outside of the GI General Industrial Zoning District. Barbed wire may be used in the construction of fencing in an industrial district provided that the bottom strand of the wire shall be at least six feet above ground level. Electrified fences are not permitted within the jurisdiction of the City of Red Cloud.

36.708 Appeals: Denial, revocations, or cancellations of a building permit based on the provisions of this Article may be appealed to the Board of Adjustment, as set forth in the Red Cloud Code Section 2-203.

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ARTICLE 8: LANDSCAPING AND SCREENING STANDARDS

37.801 Purpose: The Landscaping and Screening Regulations provide additional guidance on the development of sites within Red Cloud by addressing landscaping and screening requirements. They are designed to improve the appearance of the community, buffer potentially incompatible land uses from one another, and conserve the value of properties within the City of Red Cloud.

37.802 Applicability: The provisions of this Article shall apply to all new development on each lot or site upon application for a building permit, except for the following:

- a. Reconstruction or replacement of a lawfully existing use or structure following a casualty loss.
- b. Remodeling, rehabilitation, or improvements to existing uses or structures which do not substantially change the location of structures, parking, or other site improvements.
- c. Additions or enlargements of existing uses or structures which increase floor area or impervious coverage area by less than 20 %. Where such additions or enlargements are 20% or greater, these provisions shall apply only to that portion where the new development occurs.

37.803 Landscaping Requirements: Landscaping shall be required adjacent to each street property line and within street yards as set forth in **Table 8-1**.

Table 8-1: Required Front Yard Landscaping

Zoning District	Depth of Landscaping Adjacent to Street Property Line	Percent of First 80 Feet of Streetyard that Must Be Landscaped	Percent of Streetyard Beyond First 80 Feet of Streetyard that Must Be Landscaped
AG	35 feet	75% of whole streetyard	NA
R-1	20 feet	65% of whole streetyard	NA
R-2	20 feet	55% of whole streetyard	NA
TC	No requirement	No requirement	No requirement
GC	10 feet	20% of whole streetyard	5%
I	10 feet	15% of whole streetyard	No requirement

37.804 Landscaping Materials and Installation Standards

- a. Official List of Prohibited Plant Materials: No plant material listed on a list of restricted or prohibited plant materials provided through the office of the Zoning Administrator shall be installed in required landscaped areas or bufferyards. All plant materials shall conform in size, species and spacing with this Article of the Ordinance.
- b. Use of Inorganic Landscaping Materials: No artificial trees, shrubs, plants or turf shall be used to fulfill the minimum requirements for landscaping. Inorganic materials, such as stone or decorative pavers, may be used provided that such material does not comprise more than 35% of the minimum required landscaped area. Other concrete and/or asphalt pavement surfaces may not be used within the minimum required landscaped area, except for walkways less than five feet in width.

37.805 Bufferyard Provisions: These provisions apply when use is established in a more intensive zoning district (District A) that is adjacent to a less intensive zoning district (District B). The owner, developer, or operator of the use within District A shall install and maintain a landscaped bufferyard on his/her lot or site, as set forth in this Article. Bufferyard requirements apply only to those districts indicated in **Table 8-2**. Bufferyards are not required of single-family duplex or townhouse residential use types.

- a. The bufferyard dimensions set forth in **Table 8-2** apply to zoning districts that share a common lot line or are adjacent but separated by an intervening alley.

Table 8-2: Bufferyard Requirements (in feet)

District A** (More Intensive District)	District B (Less Intensive Adjacent District)	
	AG (Note 1)	R-1, R-2 (Note 1)
TC	--	--
GC	30	30
LI	40	40

Note 1: Applies only to residential uses previously established in the zoning district.

Note 2: Buffer requirements do not apply to single-family, duplex, or townhouse residential uses established in District A.

- b. When a street separates adjacent zoning districts requiring a bufferyard, the size of the bufferyard shall be one-half the required bufferyard set forth in **Table 8-2**.
- c. Each required bufferyard must be entirely landscaped and free of paved areas, access ways, storage, or other disturbances.

37.806 Screening Standards

- a. Application: Screening is required between adjacent zoning districts indicated in **Table 8-2** when one or more of the following conditions in the more intensive zoning district is directly visible from and faces toward the boundary of the less intensive zoning district:
1. The rear elevation of buildings.
 2. Outdoor storage areas or storage tanks, unless otherwise screened.
 3. Loading docks, refuse collection points, and other service areas.
 4. Major machinery or areas housing a manufacturing process.
 5. Major on-site traffic circulation areas or truck and/or trailer parking.
 6. Sources of glare, noise, or other environmental effects.
- b. Opaque Barrier: A six-foot opaque barrier shall be provided which visually screens the conditions listed in Section 37.806(a) from less intensive uses as

follows:

1. A solid wood and/or masonry fence or wall at least six feet in height.
 2. A landscaping screen, using evergreen or deciduous materials, capable of providing a substantially opaque, hedge-like barrier and attaining a minimum height of six feet within three years of planting.
 3. A landscaped earth berm with a maximum slope of three-to-one, rising no less than six feet above the existing grade of the lot line separating the zoning districts.
 4. Any combination of these methods that achieves a cumulative height of six feet.
- c. Location of Screening Wall: A screening wall or fence shall be installed no closer to the less intensive zoning district than one-half the width of the required bufferyard.
- d. Screening – Effect on Drainage: Screening shall not adversely affect surface water drainage.
- e. Permitted Interruptions of Screening: Screening may be interrupted to provide access drives to service areas or for loading purposes to buildings. Such breaks or interruptions shall not exceed 20% of the length of the required screened area.

37.807 Tree Planting: In any landscaped for commercial uses only required by the Minimum Depth Requirements, the Bufferyard Requirements, or the Parking Lot Interior Landscaping Requirements, one tree of an approved species with a minimum caliper size of two inches shall be planted and maintained for each 500 square feet of required landscaped area. Existing trees approved for preservation shall be counted toward satisfaction of this requirement.

37.808 General Provisions

- a. Time of Application: The provisions contained in this Article shall be applied for each individual lot or site when an application for a building permit on such lot is made. When required, a Landscape Plan shall be submitted with each application for a building permit. Such plan shall be reviewed by the Zoning Administrator for compliance with the provisions of this Article.

- b. Maintenance, Required Landscaping: Upon installation of required landscape materials, each owner shall take appropriate actions to ensure their continued health and maintenance. Required landscaping that does not remain healthy shall be replaced consistent with this Article.
- c. Obstruction of View: Landscaping or screening installed in any landscaped area shall not obstruct the view from or to any driveway approach, street, alley, or sidewalk.
- d. Earth Berm Locations: All earth berm locations shall be reviewed by the Zoning Administrator or his/her designee to determine how the berms shall relate to drainage and public utilities.
- e. Exceptions: A development may continue to comply with the bufferyard and screening requirements in effect at the time of issuance of its original permit, regardless of whether an adjacent lot or site is subsequently rezoned to a less intensive district which would otherwise require compliance with bufferyard or screening provisions.

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ARTICLE 9: OFF-STREET PARKING

38.901 Purpose: The Off-Street Parking Regulations require that 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.

38.902 General Applications

- a. Applicability: Off-street parking shall be provided for any new building constructed, for new uses or conversions of existing buildings, or for enlargements of existing structures.
- b. Exemptions: Any use within the TC Town Center Commercial District other than Downtown Residential is exempt from the off-street parking requirements provided by Article 9-3. Any off-street parking facility constructed in the TC District after the effective date of this Ordinance must comply with the design standards set forth in this Article.

38.903 Schedule of Off-Street Parking Requirements: Parking facilities for each use shall be provided in accord with the minimum requirements set forth in **Table 9-1**.

- a. Computation
 - 1. When a computation of required parking results in a fraction of 0.5 or greater, the requirement shall be rounded up to the next whole number.
 - 2. Unless otherwise indicated, parking requirements are based on gross floor area. Gross floor areas for the purpose of this calculation exclude any interior space used for the parking or loading of vehicles.
 - 3. When parking requirements are computed on the basis of capacity, capacity shall be determined by the building code or other official determinations of occupancy in effect for the City of Red Cloud at the time the use is established.

TABLE 9-1: Minimum Off-Street Parking Requirements

Agricultural Use Types	
Horticulture	1 space per 1,000 square feet of sales area
Crop/Animal Production	No requirement
Residential Use Types	
Single-Family Residential	2 spaces per dwelling unit
Duplex Residential	2 spaces per dwelling unit
Two-Family Residential	2 spaces per dwelling unit
Multi-Family Residential	1.5 spaces per efficiency or one-BR unit 2 spaces per two-BR unit 2.5 spaces for three or more BR unit 1 space per two units for elderly housing
Downtown Residential	1 space per dwelling unit
Group Residential	1 space for each resident
Mobile Home Residential	2 spaces per dwelling unit
Retirement Residence	1 space per independent living unit 0.5 spaces per assisted living unit
Administration	1 space for 300 square feet of gross floor area
Cemetery	No requirement
Institutional or Community Facilities	
Clubs	1 space per four-person capacity
College/University	1 space per three students
Convalescent Services	1 space for four beds
Cultural Services	1 space per 500 square feet of gross floor area
Day Care Services	1 space per five-person capacity plus 1 space per employee of largest shift
Group Care Facility	1 space per four-person capacity plus 1 space per employee of largest shift
Group Home	1 space per four-person capacity plus 1 space per employee of largest shift
Guidance Services	1 space per 300 square feet
Health Care	1 space per 300 square feet plus 1 space per employee of largest shift
Hospitals	1 space per two beds
Maintenance Facilities	See Schedule A
Parks and Recreation	No requirement
Postal Facilities	See Schedule A
Primary Education	1 space per employee of largest shift plus 10 stalls for visitors
Public Assembly	1 space per four-person capacity
Religious Assembly	1 space per four-person capacity in largest assembly area
Safety Services	1 space per employee of maximum shift plus 1 stall per 1,000 sq. ft.
Secondary Education	1 space per employee of max shift plus 1 space for each three 11th and 12th grade students
Utilities	1 space per employee of maximum shift

TABLE 9-1: Minimum Off-Street Parking Requirements

Commercial Buildings	
Agricultural Sales/Service	See Schedule A
Auto Rental and Sales	See Schedule A
Auto Service*	4 times service capacity
Body Repair *	5 spaces per repair stall
Business Support Services	1 space per 500 square feet
Campground	1 space per camping unit
Cocktail Lounge	1 space per 200 square feet
Commercial Recreation	1 space per four-person capacity
Communication Services	1 space per 500 square feet
Construction Sales	See Schedule A
Consumer Services	1 space per 200 square feet
Convenience Storage	1 space per 20 storage units **
Equipment Sales/Service	See Schedule A
Food Sales (All Types)	1 space per 200 square feet
General Retail Services	1 space per 200 square feet
Liquor Sales	1 space per 200 square feet
Lodging	1 space per unit
Personal Improvement	1 space per 200 square feet
Personal Services	1 space per 300 square feet
Pet Services	1 space per 500 square feet
Restaurants (Drive-in)	1 space per 50 square feet of customer service area
Restaurants (General)	1 space per 2.5 person capacity in dining area
Stables/Kennels	1 space per employee plus one stall per 5,000 square feet of site area
Surplus Sales	See Schedule A
Trade Services	1 space per 500 square feet
Veterinary Services	1 space per 500 square feet
Office Use Types	
Corporate Offices	1 space per 300 square feet
General Offices	1 space per 300 square feet
Financial Services	1 space per 300 square feet
Medical Offices	3 spaces per staff doctor or dentist
Miscellaneous Use Types	
Broadcasting Tower	See Schedule A
Non-Putrescible Landfill	See Schedule A
All Landfills	See Schedule A
Industrial Use Types	
Agricultural Industries	See Schedule A
Light Industry	See Schedule A

TABLE 9-1: Minimum Off-Street Parking Requirements

General Industry	See Schedule A
Heavy Industry	See Schedule A
Railroad Facilities	See Schedule A
Resource Extraction	1 space per employee on largest shift
Salvage Services	See Schedule A
Warehousing	See Schedule A
Construction Yards	See Schedule A
Schedule A	
Schedule A sets forth minimum off-street parking requirements for uses with elements that have different functions and operating characteristics.	
Function of Element	Requirement
Office or Administration	1 space per 300 square feet
Indoor Sales, Display or Service Area	1 space per 500 square feet
Outdoor Sales, Display or Service Area	1 space per 2,000 square feet
Equipment Servicing or Manufacturing	1 space per 1,000 square feet
Indoor or Outdoor Storage or Warehousing	1 space per 5,000 square feet.

*Auto Service and Body Repair subject to other restrictions applicable under this ordinance: See Article 4: Use Types - "Vehicle Storage"; also, Article 6: Supplemental Use Regulations, "Outdoor Storage."

**This standard may be reduced by up to 20% at the discretion of the Building Official, if site plan review demonstrates that circulation and loading patterns accommodate adequate space for queuing and temporary parking by users during the peak hours of operation.

38.904 Parking Facility Location

a. Residential Parking:

1. Off-street parking for residential uses shall be located on the same lot or site as the use.
2. Off-street parking areas for any multi-family residential uses shall be at least six feet from any building and shall not be located within a required front yard or street side yard.

b. Non-residential Parking: Off-street parking for non-residential uses shall be located on the same lot or site as the use, or within 300 feet of that use if the parking site is within a zoning district that permits the Off- Street Parking use type. Control of ownership or use rights to the remote off-street parking must be demonstrated as a condition of permission.

38.905 Parking for People with Disabilities: Each off-street parking facility shall provide the number of parking spaces set forth in **Table 9-2** designed and designated for use by people with disabilities. Parking spaces shall be van accessible. Design, criteria and dimensions are set forth in the Off-Street Parking Design Standards and the requirements of the Americans with Disabilities Act. Parking facilities for single-family, duplex, two-family, and mobile home residential uses are exempt from this requirement.

TABLE 9-2: Accessible Parking Requirements

Number of Stalls	Number of Required Accessible Spaces	Number of Stalls	Number of Required Accessible Spaces
1-25	1	201-300	7
26-50	2	301-400	8
51-75	3	401-500	9
76-100	4	501-1,000	2% of total
101-150	5	1,001 and over	20, plus 1 for each 100
151-200	6		stalls over 1,000

38.906 Off-Street Parking Design Standards

a. Dimensions:

1. Standard parking stalls shall be 9 feet wide and 18 feet long.
2. Parking facilities may provide up to 40% of their total stalls as designated compact stalls. Compact parking stalls shall be a minimum of 8.5 feet wide and 16 feet long.
3. Where parking stalls are located adjacent to landscaped areas, the paved depth of such stalls may be decreased by two feet to provide for a vehicle overhang area. The vehicle overhang area may not encroach into a required landscaped area or public sidewalk.
4. Spaces designated for the handicapped shall have a minimum width of 12 feet. Each handicapped space shall provide a barrier free route to an accessible building entrance, which shall not require users to walk or wheel behind parked cars. Such spaces shall be designated with an upright sign exhibiting the universal symbol for accessibility by the handicapped. All such spaces shall be designed in compliance with the standards of the Americans with Disabilities Act.

b. Pavement and Drainage:

1. Off-street parking facilities shall be surfaced with concrete, asphalt, or brick and shall be maintained with materials sufficient to prevent mud, dust, or loose material.
2. Off-street parking facilities shall be designed and built to prevent the free flow of water onto adjacent properties or public rights-of-way.

c. Landscape and Screening Requirements: Unless otherwise noted, each unenclosed parking facility of over 3,000 square feet shall comply with the following regulations:

1. Each unenclosed parking facility shall provide a minimum landscaped buffer of 10 feet along any street property line.
2. Each parking facility that abuts a residential district shall provide a 10 foot landscaped buffer along its common property line with the residential district.
3. Any parking facility which abuts property in a residential district shall

provide a fence, wall, landscape screen, or earth berm not less than four feet in height for the length of the common boundary. A grade change, terrace, or other site feature which blocks the sight line of headlights into a residential property may satisfy this requirement, subject to the determination of the Building Official.

4. Each unenclosed parking facility of over 4,500 square feet within a street yard shall provide interior landscaped area equal to no less than 5 % of the total paved area of the parking facility. Parking facilities within the LI District shall be exempt from this requirement.
5. Interior landscaping shall be credited toward the satisfaction of overall landscaping requirements set forth in Article 8.
6. Landscaping or screening installed in any required landscaped area shall not obstruct the view from the off-street parking facility to any driveway approach, street, alley, or sidewalk. Landscaping shall further not obstruct any views among parking spaces and circulation ways, or visibility between vehicles and pedestrians.

d. Entrances and Exits:

1. Adequate access to each parking facility shall be provided by means of clearly desired and limited driveways or access points. Such driveways shall be designed to direct non-residential traffic away from residential areas.
2. Parking facilities, other than driveways for single-family, duplex, two-family, or mobile home residential uses, must permit vehicles to enter streets in a forward position.

e. Safety Features:

1. 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.
2. Circulation patterns shall be designed in accord with accepted standards of traffic engineering and safety.

- f. Maintenance: 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.

- g. Adjustment: For uses subject to a Conditional Use Permit approval, the Board of Adjustment, as set forth in the Red Cloud Code Section 2-203, may adjust the minimum requirements of this Article in order to provide design, usability, attractiveness, or protection to adjoining uses in a manner equal to or greater than the minimum requirements of this Article.

38.907 Bicycle Parking

a. Parking Requirements:

1. Each parking facility providing 50 spaces or more shall provide parking accommodations for bicycles as provided by the **Table 9-3**.
2. Bicycle parking facilities shall include bicycle racks secured to prevent easy removal, bicycle lockers, or bicycle posts or bollards expressly designed for the secure storage.
3. The location of bicycle parking facilities shall be at least as convenient to the main entrance of the primary use as the most convenient automobile parking not reserved for use by disabled people.
4. Bicycle parking should be located to prevent hazards or obstructions to the normal flow of pedestrians into a use.

TABLE 9-3: Bicycle Parking Requirement

Number of Parking Stalls	Required Bicycle Spaces
50-100	5
100-150	8
150-200	10
Over 200	2 additional spaces for each 50 parking stalls

38.908 Off-Street Loading

- a. Loading Requirement: Any use which involves the receipt or distribution of freight, merchandise, supplies, vehicles, or equipment as part of its typical operation shall provide and maintain adequate space for off-street loading and circulation. Loading areas shall be designed to avoid undue interference with the public use of streets and sidewalks.
- b. Schedule of Loading Spaces: Loading spaces for each use requiring them shall be provided in accord with the minimum requirements set forth in **Table 9-4**.

TABLE 9-4: Off-Street Loading Requirements

Gross Floor Area of Use (square feet)	Number of Required Loading Spaces
1,000 - 10,000	1 (10x25)
10,000 - 30,000	1 (10x25)
30,000 - 50,000	2 (10x70)
Larger than 50,000	3 (10x70)

- c. Design Standards:
 - 1. Each loading space shall have the minimum sizes defined by **Table 9-4**.
 - 2. Paving of loading spaces and access areas shall be permanent, durable, and free of dust.
 - 3. Off-street loading areas are subject to the landscaping and buffering requirements for parking facilities set forth in this Article.

38.909 Parking for Personal and Recreational Vehicles

- a. Applicability: This section permits the parking of personal vehicles on a single lot in a residential district subject to specific conditions. Personal vehicles include: passenger cars; vans; pick- up trucks; camper shells, toppers, and other similar appurtenances intended for attachment to a personal vehicle; trailers under 25 feet in length and boats under 25 feet in length. The

maximum height of any Personal Vehicle shall be eight feet from grade. Trucks, tractor cab units, trailers, recreational vehicles, boats over 25 feet in length and vehicles over 10 tons' gross empty weight shall be defined as heavy commercial vehicles.

b. Location of Parking:

1. Parking is permitted within any enclosed structure when such structure conforms to the regulations of its zoning district.
2. Parking of personal vehicles is permitted on a paved driveway (outside of an enclosed structure) within the front yard setback, but shall in no case encroach upon the public right-of-way.
3. Parking of personal vehicles may occur in the rear yard setback (outside of an enclosed structure and not on the front yard paved driveway) if the Zoning Administrator determines that such parking conforms to the provisions of the Zoning Ordinance and meets the following conditions:
 - (a) The parking space is provided on a paved surface connected by a paved surface to a dedicated public right-of-way and/or alley.
 - (b) The paved parking does not exceed the maximum impervious coverage limit for the lot.
4. Heavy commercial vehicles, including tractor cab units rated at more than 10 tons' gross vehicle weight and recreational vehicles, shall not be parked on any lot within the R-1, R-2, or MH residential zoning districts, except as provided below.

c. Special Provisions for Recreational Vehicles and Boats: Parking and storage of recreational vehicles and boats within residential districts is subject to the following additional conditions. These conditions are in addition to those requirements for the parking of Personal Vehicles.

1. Recreational vehicles and boats must be maintained in a clean, well-kept state.
2. Recreational vehicles and boats equipped with liquefied petroleum gas containers must ensure that such containers meet the current standards of the Interstate Commerce Commission, the United States Department of Transportation, or the American Society of Mechanical Engineers. Any valves must be closed at all times that the vehicle is not in preparation for immediate use. Leaks in containers must be repaired immediately.

3. Recreational vehicles may be used as temporary parking by non-paying guests for a maximum of three consecutive days or fourteen days total during any calendar year. Cooking in the recreational vehicle is prohibited at all times.
4. Recreational vehicles and boats may not be permanently connected to utility lines.
5. Recreational vehicles and boats may not be used for the storage of goods, materials, or equipment other than those items which pertain to the use of the vehicle.
6. If feasible on a lot, recreational vehicles and boats shall be parked outside of required front yard and street side yard setbacks.

38.910 Supplementary Regulations – Storage and Parking of Unlicensed or Other Vehicles:

- a. The storage or keeping of motor vehicles not having a properly issued current motor vehicle registration and current motor vehicle license plate properly displayed is prohibited on any lot, parcel, or tract of land or part thereof situated within the zoning jurisdiction of the City of Red Cloud, provided that conformance with the following shall not constitute a violation of this Article:
 1. The storage of any unlicensed and/or unregistered motor vehicle in a fully-enclosed garage.
 2. The storage of operable off-highway farm or industrial vehicles on tracts zoned AG Agriculture or GI industrial uses, and used in agricultural or industrial activity conducted on the premises.
 3. The storage of not more than one personal vehicle in good operable condition and shielded from view of the general public by a manufactured and fitted vehicle cover and located on a paved driveway pursuant to a permit to store obtained from the City of Red Cloud. The permit shall be issued without cost to the applicant and shall:
 - (a) Be issued for a period of not to exceed six months and shall be renewable upon application for like periods as long as such storage is in all respects in compliance with this Article;
 - (b) Identify the vehicle by make, year of manufacture, model and manufacturer's identification number.

- (c) State the reason the vehicle does not bear a current registration and license.
 - (d) Require owner to prove continued operability of the vehicle within 72 hours upon request of the Sheriff's Department.
 - (e) Contain the property owner's and vehicle owner's consent for the City and its agents to enter upon the premises and vehicle for purposes of identification and inspection of the vehicle.
4. The storage, keeping or abandonment of parts, including scrap metals, from motor vehicles or machinery, or parts thereof, is prohibited on any lot, parcel or tract of land or part thereof situated within the zoning jurisdiction of the City of Red Cloud, except in enclosed buildings or garages or where otherwise permitted by this Ordinance.
5. Parking, storage or keeping, other than in a fully enclosed garage, of any non-operable motor vehicle is prohibited on any residential zoned lot, parcel or tract of land or part thereof situated within the zoning jurisdiction of the City of Red Cloud provided, however, that automobiles that are non-operable by reasons of repair work being done thereon may be parked on the residential lot of the owner of said automobile within the Red Cloud Zoning jurisdiction under the following conditions:
- (a) The automobile is owned by the occupier of the premises and registered to him/her at that address.
 - (b) The period of said repair work does not exceed 10 days in duration.
 - (c) Repair work is at all times conducted on a paved driveway.
 - (d) No more than one automobile in need of repair is situated on the premises at the same time.
- b. Before the City removes a vehicle suspected of being in violation of this section, by reason of it being inoperable, the City shall give the owner of the premises upon which the offending vehicle is situated a 48-hour warning notice. Notice shall be given by tagging the motor vehicle and by regular mail, postage pre-paid to the occupier of the premises on which the motor vehicle is situated. Any motor vehicle not removed from the premises within such 48-hour period shall be presumed to be inoperable and may thereafter be removed by the City. If he/she chooses, the owner may demonstrate operability of the vehicle by making special arrangements with the Webster County Sheriff's Department to demonstrate operability of the vehicle within said 48-hour period. If operability of the vehicle is satisfactorily demonstrated, the automobile need not be removed.

ARTICLE 10: SIGN REGULATIONS

39.1001 Purpose: The Sign Regulations provide standards for communicating information in the environment of the City of Red Cloud and its jurisdiction. The regulations recognize the need to protect public health, safety, and welfare, to maintain the City's attractive appearance, to provide for adequate business identification, advertising, and communication of information, and to encourage the fair enforcement of sign regulations.

39.1002 Definition of Terms: The following definitions shall be used for terms contained in this chapter that are not otherwise defined in the Red Cloud Municipal Code or in this Zoning Ordinance.

1. **Abandoned Sign:** A sign, including sign face and supporting structure, which refers to a discontinued business, profession, commodity, service or other activity or use formerly occupying the site, or which contains no sign copy on all sign faces for a continuous period of six months.
2. **Attached Sign:** A sign which is structurally connected to a building or depends upon that building for support
3. **Auxiliary Design Elements:** Terms which describe secondary characteristics of a sign, including its method of illumination and other features within the bounds of its basic shape.
4. **Awning and Awning Sign:** A temporary or movable shelter supported entirely from the exterior wall of a building and composed of non-rigid materials, except for a supporting framework. An awning sign is a message printed on such a shelter.
5. **Banner:** Material with a printed message or graphic secured or mounted from a structure in such a way as to allow wind movement.
6. **Building Marker:** An historic or commemorative plaque, or a building name or cornerstone carved into a masonry surface.
7. **Business Center Identification Sign:** A sign which identifies a building or group of commercial buildings in single ownership or control, sharing parking and access.
8. **Canopy:** A projecting non-movable structure cantilevered or suspended from a building, supported by the main structural members to which it is attached, and used only as a roof or fixed shelter.
9. **Canopy Sign:** A sign which is attached or made an integral part of a canopy.

10. **Clearance**: The distance from the bottom of a sign face elevated above grade and the grade below.
11. **Detached Sign**: A sign which is self-supporting and structurally independent from any building.
12. **Directional Sign**: A sign which serves only to designate the location or direction of any area or place.
13. **Double-Faced Sign**: A sign consisting of no more than two parallel faces supported by a single structure.
14. **Electronic Information Sign**: Any sign intended primarily to provide information of general community interest, including time, temperature, and other atmospheric conditions, traffic control, or commercial messages.
15. **Frontage**: The length of a property line of any one premise abutting and parallel to a public street, private way, or court.
16. **Ground Sign**: A detached on-premise sign built on a freestanding frame, mast, or pole(s) with a clearance no greater than three feet.
17. **Illumination**: Lighting sources installed for the primary purpose of lighting a specific sign or group of signs. Illumination techniques referred to by these Regulations include:
 - (a) **Bare Bulbs**: Illumination of signs using unshielded bulbs.
 - (b) **Direct**: Illumination of signs through flood lights whose luminous surface is visible to the normally located observer.
 - (c) **Flame**: Use of open flame or torches as a light source.
 - (d) **Flashing**: Use of an intermittent light source, including the illusion of intermittence through animation or other external light sources. Electronic information signs are excluded from this definition, except for any flashing mode of these signs.
 - (e) **Indirect**: Use of a light source whose luminous surface is not visible to the normally located observer.
 - (f) **Internal**: Use of a light source concealed or contained within the sign, and visible by shining through a translucent surface.
 - (g) **Neon or gas tube**: Use of a light source supplied by passing electricity through a tube containing neon or other gas, bent to form letters, symbols, and other shapes.

18. **Marquee**: A permanent roofed structure attached to and supported by a building and extending over public right-of-way.
19. **Maximum Permitted Sign Area**: The maximum permitted combined area of all signs allowed on a specific property.
20. **Monument Sign**: An on-premise freestanding sign with the appearance of a solid base. The width of such base shall be at least 75% of the width of the sign.
21. **Moving Sign**: A sign which conveys its message through rotating, changing, or animated elements.
22. **Nonconforming Sign**: A sign that was legally erected prior to the adoption of this chapter but which violates the regulations of this chapter.
23. **Off-Premise Sign**: A sign which directs attention to a business, profession, commodity, or service offered on a property other than that on which the sign is located.
24. **Pole Sign**: An on-premise sign built on a freestanding frame, mast, or pole(s) with a clearance greater than three feet, and where the support encompasses less than 75% of the width of the sign.
25. **Portable Sign**: Any sign supported by frames or posts rigidly attached to bases not permanently attached to the ground or a building and capable of being moved from place to place.
26. **Premise Identification Sign**: An sign which pertains to the use of a premises and which contains information about the owner or operator of that use; the type of business being conducted or the principal brand name of a commodity sold on the premises; and other information relative to the conduct of the use.
27. **Premises**: A tract of one or more lots or sites which are contiguous and under common ownership or control.
28. **Projecting Signs**: A sign other than a wall sign that is attached to and projects from a building face.
29. **Residential Sign**: A small detached or attached sign located on a residential premise, conveying a message communicated by the owner of the property.
30. **Roof Sign**: Any sign or part of sign erected upon, against, or directly above a roof or on top of or above the parapet or cornice of a building.
31. **Integral Roof Sign**: A roof sign positioned between an eave line and the peak or

highest point on a roof, substantially parallel to the face of a building.

32. **Above-Peak Roof Sign**: A roof sign positioned above the peak of a roof or above a parapet or cornice.
33. **Sign**: A symbolic, visual device fixed upon a building, vehicle, structure, or parcel of land which is intended to convey information about a product, business, activity, place, person, institution, candidate, or political idea.
34. **Sign Type**: A functional description of the use of an individual sign; includes owner identification, advertising, directional, electronic message, and temporary.
35. **Street Facade**: Any separate external face of a building, including parapet walls and omitted wall lines, oriented to and facing a public street, private way, or court. Separate faces oriented in the same direction or within 45 degrees of one another are considered part of the same street facade.
36. **Temporary Sign**: A sign, flag, banner, pennant, or valance constructed of lightweight materials which is not permanently attached to building or land, and which is intended for display for a limited period of time.
37. **Wall Sign**: Attached to and parallel with the side of a building.
38. **Window Sign**: A sign painted on or installed inside a window for the purpose of viewing from outside the premises.
39. **Zone Lot**: A parcel of land in single ownership that is large enough to meet the minimum zoning requirement of its zoning district and can provide such yards and other open spaces that are required by the site development regulations.

39.1003 General Sign and Street Graphics Regulations

- a. **Compliance**: Each sign or part of a sign erected within the zoning jurisdiction of the City of Red Cloud must comply with the provisions of this chapter and of other relevant provisions of the City of Red Cloud's Municipal Code and relevant building codes, including the:
- *Uniform Building Code*
 - *National Plumbing Code*
 - *National Electric Code*
 - *Rules and Regulations Relating to the Control of Advertising in Areas Adjacent to the Interstate and Federal Aid Primary Highways (Nebraska Department of Roads)*

- b. Resolution of Conflicting Regulations: This chapter is not meant to repeal or interfere with enforcement of other Articles of the City of Red Cloud's Municipal Code. In cases of conflicts between Code Articles, State or Federal Regulations, the more restrictive regulations shall apply.
- c. Prohibited Signs: The following signs are prohibited in all zoning districts.
1. Signs painted on or attached to rocks, trees, or other natural objects.
 2. Signs or sign structures which resemble or conflict with traffic control signs or devices, which mislead or confuse persons traveling on public streets, or which create a traffic hazard.
 3. Signs on or overhanging public property or public right-of-way, unless specifically authorized by the appropriate public agency.
 4. Signs which create a safety hazard by obstructing the clear view of pedestrians or vehicles, or which obscure official signs or signals.
 5. Abandoned signs. Any abandoned sign must be removed within six months of date of abandonment.
 6. Portable signs, including signs painted, mounted, or printed on parked vehicles and trailers, except as provided below.
 7. Signs that are not clean or in substantial good repair, or are not affixed to a sound structure.
 8. Signs advertising activities that are illegal under Federal, State, or local laws and regulations.
- d. Exempt Signs: The following signs are permitted in any zoning district and are exempt from other provisions of this chapter.
1. Bulletin boards for religious assembly or school uses, provided that they have a maximum sign area of 32 square feet and are not located in a required sign setback.
 2. Real estate signs.
 3. Official signs authorized by a government or governmental subdivision which give traffic, directional, or warning information.
 4. Seasonal decorations for display on private or public property.

5. On-premise construction signs.
6. One temporary sign per zoned lot for grand openings or special events, provided that such sign remains in place for a maximum of seven days.
7. Works of graphic art painted or applied to building walls which contain no advertising or business identification messages.
8. Residential signs under two square feet in size.
9. Neighborhood or subdivision identification signs under 50 square feet.
10. Street numbers.
11. Signs which are not visible from a public right-of-way, private way or court, or from a property other than that on which the sign is installed.

e. Temporary and Civic Signs

1. Temporary or portable signs for grand openings, sales, and special events are permitted in Commercial and Industrial zoning districts, subject to the following requirements:
 - (a) Such signs are subject to the permit procedures set forth in this Article.
 - (b) The size of such signs does not exceed the limitations set forth in **Table 10-3.**
 - (c) No more than one such sign is permitted at any single premises.
 - (d) Temporary or portable signs may be present at any single premises for a maximum of 30 days per year.
2. Temporary signs for non-profit civic campaigns or events, political campaigns, or other non-commercial events are permitted in any zoning district and are exempt from other provisions of this Article, subject to the following requirements:
 - (a) Such signs are subject to the permit procedures set forth in this Article.
 - (b) Such signs are installed no earlier than 30 days before the date of the event or election and removed no later than seven days after the date of the event or election.
 - (c) The maximum size of such signs is 10 square feet when located in any residential zoning district, and 100 square feet in any other zoning district.

- f. Bufferyards: No sign other than on-premise directional signs shall be placed within any bufferyard required by Article 8, Landscaping and Screening

Regulations, except bufferyards adjacent to intervening major streets.

- g. Vision-Clearance Area: No sign may project into or be placed within a vision-clearance area defined by a triangle with legs of 40 feet from the point at which the curbs or edges of two intersecting streets, private ways or courts, or an intersecting street, private way, or court and driveway, meet.

39.1004 General Regulations – Basic Design Elements for On-Premise Signs

a. Wall Signs and Graphics

1. Wall signs and graphics are subject to the following general regulations.
2. A wall sign shall not extend more than 30 inches from the wall to which it is attached.
3. A wall sign must be parallel to the wall to which it is attached.
4. A wall sign may not extend beyond the corner of the wall to which it is attached, except where attached to another wall sign it may extend to provide for the attachment.
5. A wall sign may not extend beyond its building's roof line.
6. A wall sign attached to a building on its front property line may encroach upon public right-of-way no more than 18 inches. Such a wall sign shall provide minimum clearance of eight feet.
7. For the purpose of calculating permitted sign areas pursuant to this chapter, signs painted on the walls of buildings shall be considered wall signs.
8. Where permitted, canopy signs are counted as wall signs when calculating total permitted sign area.

b. Projecting Signs and Graphics

1. Projecting signs and graphics are subject to the following general regulations. The maximum projection of any projecting sign in the TC District shall be as follows:
 - (a) two feet over public sidewalks less than 12 feet wide;
 - (b) three feet over public sidewalks 12 feet wide or more, or over private property.

2. No projecting sign in any other district may project by more than 24 inches into a required setback.
 3. A projecting sign may be no closer than two feet from the vertical plane of the inside curb line.
 4. Each projecting sign must maintain at least the following vertical clearances:
 - (a) eight feet, six inches over sidewalks, except that a canopy may reduce its vertical clearance to seven feet, six inches;
 - (b) 10 feet outside of parking areas or driveways, but within three feet of such areas, or within 50 feet of the right-of-way lines formed by a street intersection;
 - (c) 14 feet over parking lots;
 - (d) 18 feet over alleys or driveways.
 5. No projecting sign extending three feet or more from a property line may be located within 22 feet of any other projecting sign extending three feet or more from a property line.
 6. Projecting signs must minimize visible support structure and may not expose guy wires, cables, turnbuckles, angle iron, or other similar external support structure.
- c. Pole Signs: Pole signs, where permitted, are subject to the following general regulations:
1. Each pole sign must maintain at least the following vertical clearances:
 - (a) eight feet, six inches over sidewalks;
 - (b) 10 feet for locations outside of parking areas or driveways, but within three feet of the edge of such areas, or within 50 feet of the right-of-way lines formed by a street intersection;
 - (c) 14 feet over parking lots;
 - (d) 18 feet over alleys or drive ways.
 2. Permitted pole signs may revolve at a rate not to exceed six revolutions per minute.
- d. Roof Signs: Roof signs are subject to the following regulations:
1. Where permitted, integral roof signs may be used interchangeably with wall signs.

2. Integral roof signs may not exceed the permitted height for pole signs.
3. An internal roof sign must be mounted parallel to the wall of the building that it faces.

39.1005 General Regulations – Other Design Elements

- a. Illumination: Lighting, when installed, must be positioned in such a manner that light is not directed onto an adjoining property or onto a public street or highway.
- b. Marquees and Marquee Signs: Signs placed on, attached to, or constructed on a marquee are subject to the maximum projection and clearance regulations of projecting signs.
- c. Banners:
 1. A banner sign projecting from a building may not exceed the wall height of the building.
 2. Maximum projection for any banner is five feet with a minimum clearance of 10 feet.
 3. Maximum size of a banner is the lesser of twice the permitted size of a projecting sign, or 120 square feet.
- d. Clocks: For the purposes of this chapter, clocks are not considered a moving sign.

39.1006 Specific Regulations for Zoning Districts: This Article sets forth regulations and design standards for signs and graphics for each zoning district.

39.1007 Method of Measurement for Regulators

- a. Maximum Permitted Sign Area: Maximum permitted sign area for a premises is set forth as a numerical limit or as a function of the frontage of the premises on a street or private way. For properties with frontage on more than one street or private way, the total frontage shall be calculated as the longest frontage plus one-half the length of all additional frontages.
- b. Sign Area:
 1. Sign area includes the entire area within the perimeter enclosing the extreme limits of the sign, excluding any structure essential for support or service of the sign, or architectural elements of the building.

2. The area of double-faced signs is calculated on the largest face only.
 3. The sign area for ground signs, monument signs, and architectural sign bands is calculated as the area enclosing the extreme limits of the copy only.
 4. In the case of individual letters mounted to a wall, only the total area of the letters themselves is included within the sign area.
- c. Height: The height of a sign is measured from the average grade level below the sign to the topmost point of the sign or sign structure.
- d. Setback: The setback of a sign is measured from the property line to the supporting frame, mast, pole, or base of the sign.

39.1008 Permitted Sign Types by Zoning Districts: Table 10-1 sets forth the sign types permitted within each zoning district of the City of Red Cloud.

39.1009 Auxiliary Design Elements: Table 10-2 sets forth auxiliary design elements permitted within each zoning district of the City of Red Cloud.

39.1010 Maximum Permitted Sign Area: Table 10-3 sets forth the maximum sign area permitted within each zoning district of the City of Red Cloud.

39.1011 Permitted Signs by Numbers, Dimensions, and Location: Table 10-3 sets forth the maximum permitted numbers of signs per premise, the maximum permitted dimensions of each sign, and the required setbacks for detached signs.

39.1012 General Permit Procedures

- a. Applicability: Any installation, modification, or expansion of any sign which is not exempt from the provisions of this Article shall be subject to the following permit procedure prior to installation.
- b. Maintenance of Valid Sign Permit: The owner of a property containing signs requiring a permit under these regulations shall at all times maintain in force a sign permit for such property. Sign permits shall be issued for individual zoned lots. A sign permit may be revoked if the sign is not maintained in good condition.
- c. Sign Permit Applications: All applications for sign permits shall be submitted to the Zoning Administrator in accordance with application specifications established by the Zoning Administrator.

- d. Application Fees: Each application for a sign permit shall be accompanied by any applicable fees which shall be established by the City Council from time to time by resolution.
- e. Action: Within 10 working days of the submission of a complete application for a sign permit, the Zoning Administrator shall either:
 - 1. Issue the sign permit, if the sign conforms to the provisions of this Article.
 - 2. Reject the sign permit if the sign(s) that is the subject of the application fails in any way to conform with the requirements of this Article.
- f. Permit Expiration: If a sign is not constructed in accordance with an approved permit within six months of the date of approval, such permit shall lapse.
- g. Assignment of Sign Permits: A current and valid sign permit shall be freely assignable to a successor as owner of the property or holder of a business license for the same premises.

39.1013 Nonconforming Signs

- a. All permanent signs in place and lawfully established on the effective date of these Regulations shall be considered as legal nonconforming signs. The copy of such a sign may be changed from time to time, provided that the sign area shall not be enlarged beyond the sign area in existence on the effective date.
- b. Any nonconforming sign which presently is or becomes structurally damaged or destroyed, or is altered by more than 50% of its replacement cost, shall be either removed or altered so as to comply with this Article.
- c. For business centers pre-existing on the effective date of these Regulations which do not conform to the total permitted sign area provisions of this Article, individual signs may be replaced, modified, or substituted prior to June 9, 2035. Each sign shall conform to the applicable regulations for individual signs and shall be installed so as to reduce the total amount of the nonconformance.

39.1014 Discontinuance of Nonconforming Signs

Within any zoning district, all on premise signage must comply fully with the provisions of these Regulations, unless otherwise provided, within fifteen years of the effective date of these Regulations.

Table 10-1: Permitted Signs by Type and Zoning Districts

Sign Types	AG	RR	R-1	R-2	R-3	MH	TC	GC	LI	GI
<i>Detached Signs</i>										
Residential	P	P	P	P	P	P	N	N	N	N
Business Identification	P	P	P(C)	P	P	P	P	P	P	P
Incidental	P (C)	P (C)	P (C)	P (C)	P (C)	P	P	P	P	P
Ground	P	P	P	P	P	P	P	P	P	P
Pole	N	N	N	N	N	N	N	P	N	N
<i>Attached Signs</i>										
Awning	N	N	N	P	P	P	P	P	P	P
Banner	N	N	N	N	N	N	P	P	P	P
Building Marker	P	P	P	P	P	P	P	P	P	
Canopy	N	N	N	N	N	P	P	P	P	P
Business Identification	P	P (C)	P (C)	P	P	P	P	P	P	P
Incidental	P (C)	P (C)	P (C)	P	P	P	P	P	P	P
Marquee	N	N	N	N	N	P	P	P	P	P
Projecting	P	N	N	N	N	N	P	P	N	N
Roof, Integral	N	N	N	N	N	N	P	P	P	P
Roof, Above Peak	N	N	N	N	N	N	N	N	N	N
Wall	P	P	P	P	P	P	P	P	P	P
Window	N	N	N	N	N	N	P	P	P	P
Miscellaneous										
Flag	P	P	P	P	P	P	P	P	P	P
Portable (On-Premises)	N	N	N	N	N -	N	N	N		N

P: Permitted for all uses

P(C): Permitted for Civic uses

N: Not Permitted

Table 10-1 Permitted Signs by Type and Zoning Districts

Sign Types	AG	RR	R-1	R-2	R-3	MH	TC	GC	LI	GI
Design Element										
<i>Illumination</i>										
Indirect	P (C)	P (C)	P (C)	P (C)	P (C)	P	P	P	P	P
Direct	N	N	N	N	N	N	N	N	N	N
Internal	P (C)	P (C)	P (C)	P	P (C)	P	P	P	P	P
Neon	N	N	N	N	N	N	P	P	P	P
Flashing	N	N	N	N	N	N	P	P	P	P
Flame	N	N	N	N	N	N	N	N	N	N
Bare Bulb	N	N	N	N	N	N	N	N	N	N
<i>Other</i>										
Electronic Information	N	N	N	N	N	N	P	P	P	P
Moving	N	N	N	N	N	N	N	P	N	P
Rotating	N	N	N	N	N	N	N	P	N	P

P: Permitted for all uses

P(C): Permitted for Civic uses

N: Not Permitted

Table 10-2: Permitted Signs by Maximum Permitted Area and District

This Maximum Permitted Area for all signs on a premises excluding incidental signs, building marker signs, and flags shall not exceed the lesser of the following:

ZONING DISTRICT	AG	RR R-1 R-2	R-3 MH	TC	GC	LI GI
SQUARE FEET OF SIGNAGE PER LINEAR FOOT OF FRONTAGE	NA	NA	NA	2.0	3.0	2.0
GENERAL MAXIMUM SIGN SIZE REGULATIONS	Note 1	Note 2	Note 3		Note 5	Note 5
DETACHED SIGNS						
NUMBER PERMITTED PER PREMISE	1	1	1	1	NA	NA
PER FEET OF FRONTAGE	NA	NA	NA	NA	1 per 200	1 per 200
MAXIMUM SIZE* (SQUARE FEET)	300 Note 6	Note 2	Note 3	100	300 Note 6	300 Note 6
MAXIMUM HEIGHT OF STRUCTURE ABOVE GROUND (FEET)	45	10	10	25	35	35
FRONT YARD SETBACK (FEET)	25	5	10	0	5	0
SIDE YARD SETBACK (FEET)	10	10	10	0	5	0
ATTACHED SIGNS						
MAXIMUM SIZE* (SQUARE FEET)	100	Note 2	Note 3	NA	300	300
% OF STREET FACADE	NA			20%	25%	25%

Notes to Table 10-2

Note 1:

Maximum sign size is 200 square feet for civic or commercial uses, two square feet for residential uses, including home occupations.

Note 2:

Maximum sign size is 100 square feet for project identification signs; 32 square feet for civic uses; two square feet for residential uses, including home occupations.

Note 3:

Maximum sign size is 32 square feet for civic uses; 100 square feet for project identification signs for multi-family or mobile home developments and for non-residential uses when permitted; two square feet for residential uses, including home occupations.

Note 4:

On premises with primary residential use, maximum sign size is 75 square feet for project identification signs for multi-family developments; two square feet for residential uses, including home occupations.

Note 5:

In addition to its total permitted sign area, each premise used for a business center may have one detached center identification sign, subject to the following conditions:

1. The maximum area for a center identification sign shall be 150 square feet;
2. No center identification sign shall be within 300 feet of any other center identification sign or within 150 feet of any other detached sign on the same or adjacent premises;
3. The sign shall display no more than the name and location of the business center; and
4. Each sign shall be subject to all other regulations for detached signs or graphics set forth in this Article.

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ARTICLE 11: NONCONFORMING DEVELOPMENT

40.1101 Purpose: Article 11 shall be known as the Nonconforming Development Regulations. The purposes of these regulations are:

- a. To allow for reasonable use of legally created lots of record which do not meet current minimum requirements for their respective zoning districts.
- b. To provide for reasonable use of legally constructed structures which do not meet current site development regulations for their respective zoning districts.
- c. To allow for the reasonable continuation of legally established uses which do not meet current use regulations for their respective zoning districts.
- d. To limit the continuation and provide for the gradual replacement of nonconforming uses.

40.1102 Regulations Additive: Regulations for nonconforming uses are in addition to regulations for nonconforming structures. In the event of a conflict, the most restrictive regulation shall apply.

40.1103 Nonconforming Lots

- a. Pre-Existing Lots of Record: Nonconforming lots of record existing at the time of the adoption of this chapter shall be exempt, unless otherwise provided, from the minimum lot area and lot width requirements of each zoning district. Such lots may be developed with any use allowed by the regulations for the district and must comply with all other site development regulations set forth by the Zoning Regulations.
- b. Reductions Due to Public Acquisition: If a portion of a legally existing lot in any district is acquired for public use the remainder of this lot shall be considered a conforming lot.

40.1104 Nonconforming Structures: These regulations apply to buildings and structures which were constructed legally under regulations in effect before the effective date of these Regulations.

- a. Continuation: A lawful nonconforming structure existing on the effective date of this Title may be continued, repaired, maintained or altered, subject to the provisions of this Article.
- b. Additions or Enlargements to Nonconforming Structures:

1. A lawful nonconforming structure may be added to or enlarged if the addition satisfies one or more of the following conditions:
 - (a) The enlargement or addition, when considered independently of the existing building, complies with all applicable setback, height, off-street parking, and landscaping requirements.
 - (b) The nonconforming building and impervious surface coverages on the site are not increased and the building, after the addition, conforms to height and off-street parking regulations applicable to its zoning district.
 - (c) The addition projects no further into a required side yard setback than the existing building; the length of the side wall of the addition is the smaller of 25 feet or 50% of the length of the existing nonconforming side wall; and the enlarged building complies with building and impervious coverage, front and rear yard setbacks, and height regulations applicable to its zoning district.
2. No permitted addition to a nonconforming structure may place a wall within 10 feet of a window of an adjacent pre-existing residential structure.
3. Nonconforming buildings shall be limited to one addition or enlargement pursuant to these regulations.
- c. Moving of Nonconforming Structures: A lawful nonconforming building or structure shall not be moved in whole or in part to another location on its lot unless every part of the structure conforms to all site development regulations applicable to its zoning district.
- d. Repair of Nonconforming Structures: A lawful nonconforming building damaged by fire, explosion, storm or other calamity, except flood damages, may be repaired and reconstructed provided there is no increase in the degree of nonconformity.
- e. Conversion of a Conforming Building: A conforming building shall not be changed in any way that will result in a nonconforming development.
- f. Applicability of Landscaping and Screening Regulations: A pre-existing structure, building, or development shall be exempt from Article 8, Landscaping and Screening Regulations. However, any expansion of such structure, building, or development or any adjacent new development onto property that is or becomes vacant on or after the effective date of these Regulations shall be subject to Article 8.

40.1105 Nonconforming Use

- a. Continuation of Nonconforming Uses: Any nonconforming use lawfully existing on the effective date of these Regulations may continue, subject to the limitations of this Article.
- b. Enlargement of Nonconforming Uses: A building or structure housing a lawful nonconforming use may not be added to or enlarged.
- c. Abandonment of Nonconforming Use: If any structure or property used as a lawful nonconforming use becomes vacant or unused for a continuous period of six months, any subsequent use must conform to all use regulations applicable to the property's zoning district.
- d. Change of Use: A lawful nonconforming use may be changed only to a use type permitted in a zoning district that is equal to or less intensive than that normally required for the previous use.
- e. Allowance for Repairs: Repairs and maintenance of a structure occupied by a nonconforming use may be made, provided that no structural alterations are made other than those required by law.
- f. Damage or Destruction of Structures: Should a structure occupied by a lawful nonconforming use be damaged to the extent that the cost of restoration exceeds 50% of the replacement cost of the structure, the nonconforming use shall no longer be permitted.
- g. Nonconforming Uses and Conditional and Special Use Permits: A lawful pre-existing use which would require a special use permit in its zoning district shall be presumed to have the appropriate Permit and shall be considered a conforming use. The use shall be subject to the regulations governing lapses or revocation of permits set forth in Article 12.

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ARTICLE 12: ADMINISTRATION AND PROCEDURES

41.1201 Purpose: The Administration and Procedures Provisions establish the methods for implementation of the Zoning Regulations. These provisions include procedures for reviewing specific uses within certain zoning districts, amending the Zoning Regulations, and granting variances.

41.1202 Site Plan Review Procedure

- a. Purpose: The Site Plan Review Procedure provides for the administrative review in addition to plan review required by other Articles of the Red Cloud Municipal Code of projects that have potentially significant effects on traffic circulation or a significant effect on land uses in adjacent neighborhoods. The procedure provides for review and evaluation of site development features and possible mitigation of unfavorable effects on surrounding property.
- b. Administration: The Zoning Administrator, or his/her designee shall review, evaluate, and act on all site plans submitted pursuant to this procedure. An applicant may appeal a denial of any application to the Board of Adjustment, as set forth in the Red Cloud Code Section 2-203.
- c. Uses Requirement Site Plan Review: The following selected uses shall follow the Site Plan review procedure, unless they are otherwise subject to a Special Use Permit procedure for specific zoning districts.
 1. Multiple family developments with eight or more dwelling units.
 2. Any facility with a parking lot with more than 20 spaces.
 3. Education, Public Assembly, and Religious Assembly use types.
 4. All commercial use types listed in **Table 4-2**.
 5. Any use including drive-in services.
 6. Any industrial use adjacent to a residential zoning district.
- d. Application Requirements: An application for a Site Plan Review may be filed by the owner(s) of a property or the owners' authorized agent with the Zoning Administrator. 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 nature and operating characteristics of the proposed use.
4. A site plan, drawn to a scale sufficient to permit adequate review and dimensioned as necessary, showing 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.
 - (f) Any other information that may be required for review by the Zoning Administrator or his/her designee.
- e. Administrative Action and Appeal: The Zoning Administrator or his/her designee must act upon each complete application within 10 working days of filing. An applicant may appeal a denial to the Board of Adjustment, as set forth in the Red Cloud Code Section 2-203, within 10 days of the action. The Board of Adjustment shall consider the appeal at the first available meeting after the filing of the appeal.
- f. Review and Evaluation:
 1. The Zoning Administrator or his/her designee (or the Board of Adjustment in cases of appeal, as set forth in the Red Cloud Code Section 2-203), shall review and approve the site plan based on the criteria established in **Table 12-1** and conformance with applicable regulations in these Zoning Regulations.
 2. The Zoning Administrator or his/her designee (or the Board of Adjustment, as set forth in the Red Cloud Code Section 2-203 in cases of appeal),

shall make the following findings before approval of the site plan:

- (a) The proposed development, together with any necessary modifications, is compatible with the criteria established in **Table 12-1**.
 - (b) Any required modifications to the site plan are reasonable and are the minimum necessary to minimize potentially unfavorable effects.
 - (c) The site plan conforms to the Zoning Regulations.
- g. Modification of Site Plan: The Zoning Administrator or his/her designee (or the Board of Adjustment, as set forth in the Red Cloud Code Section 2-203, in cases of appeal), may require modification of a site plan as a prerequisite for approval. Required modifications may be more restrictive than base district regulations and may include, but not be limited to, additional landscaping or screening; installation of erosion control measures; improvement of access or circulation; rearrangement of structures on the site; or other modifications deemed necessary to protect the public health, safety, welfare, community character, property values, and/or aesthetics.
- h. Term and Modification of Approval:
 - 1. A Site Plan Approval shall become void two years after the date of approval, unless the applicant receives a Building Permit and diligently carries out development prior to the expiration of this period.
 - 2. The Zoning Administrator or his/her designee may approve an application to modify a previously approved site plan if he/she determines that the modification does not affect findings related to the criteria set forth in **Table 12-1**.
 - 3. The Zoning Administrator or his/her designee may revoke a Site Plan Approval if he/she determines that the development is not complying with the terms and conditions of the approval. Such revocation may be appealed to the Board of Adjustment, as set forth in the Red Cloud Code Section 2-203.
- i. Approval to Run with Land: An approval pursuant to this Article shall run with the land until the expiration date of such approval.

41.1203 Special Use Permit Procedure

- a. Purpose: The Special Use Permit Procedure provides for public review and discretionary Planning Commission approval for uses within zoning districts which have unusual site development or operating characteristics that could adversely affect surrounding properties.

- b. Administration: The Zoning Administrator shall be responsible for the administration of the Special Use Permit Procedure. The Planning Commission shall review, evaluate, and act on each application. An applicant may appeal a denial of any application pursuant to this Article to the City Council. In addition, a valid protest petition, meeting the requirements set forth in Section 41.1204(d)(3) of these Regulations shall also initiate an appeal to the City Council.
- c. Application Requirements: An application for a Special Use Permit may be filed with the Zoning Administrator by the owner(s) of a property or the owners' authorized agent. 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 nature and operating characteristics of the proposed use.
 - 4. Any graphic information, including site plans, elevations, other drawings, or other materials determined by the Zoning Administrator to be necessary to describe the proposed use to approving agencies.
- d. Approval Process: The Planning Commission, following proper notice, shall hold a public hearing on each Special Use Permit and, following such public hearing, shall act on the application.
- e. Appeal Process:
 - 1. A denial by the Planning Commission may be appealed to the City Council by an applicant within 10 days of the action. The appeal request must be submitted in writing to the Zoning Administrator.
 - 2. An approval by the Planning Commission may be appealed to the City Council by the submittal of a valid protest petition, meeting the requirements set forth in Section 11.1204(d)(3) of these Regulations, within 10 days of the action.
 - 3. The Zoning Administrator shall transmit the application and appeal documents, along with his/her recommendation and the record of the Planning Commission action, to the City Council.
 - 4. The City Council, after publication and public hearing, shall act on the appeal.

f. Criteria for Review: The Planning Commission and the City Council shall review and approve the site plan based on the criteria established in Table 12-1 and conformance with applicable regulations in these Zoning Regulations.

g. Scope of Approval:

1. The Planning Commission and/or City Council, in cases of appeal, may, at their discretion, apply a Special Use Permit to a specific owner or applicant. The approving agencies may establish special site development or operational regulations as a condition for approval of a Special Use Permit.
2. The Planning Commission or City Council, in cases of appeal, shall not grant a Special Use Permit for any home occupation/homebased business which is otherwise prohibited under Section 35.610 of these Regulations.

h. Lapse and Revocation of Permit:

1. A Special Use Permit shall become void two years after its effective date if the applicant has not carried out development or occupancy during that period.
2. The City Council may revoke a Special Use Permit should the operation of the use subject to such permit violate the conditions under which the permit was granted.

i. Previously Approved Permits: Any special use approved under regulations in effect before the effective date of these Regulations shall be considered to have a valid Special Use Permit, subject to requirements imposed at the time of its approval.

Table 12-1: Criteria for Site Plan Review and Special Use Permits

CRITERIA		APPLIES TO	
		Site Plan Review	Special Use Permit
Land Use Compatibility			
Development Density	Site area per unit or floor area ratio should be similar to surrounding uses if not separated by major natural or artificial features.		X
Height and Scale			
Height and Bulk	Development should minimize differences in height and building size from surrounding structures. Differences should be justified by urban design considerations.	X	X
Setbacks	Development should respect pre-existing setbacks in surrounding area. Variations should be justified by site or operating characteristics.	X	X
Building Coverage	Building coverage should be similar to that of surrounding development if possible. Higher coverage should be mitigated by landscaping or site amenities.	X	X
Site Development			
Frontage	Project frontage along a street should be similar to lot width.	X	X
Parking and Internal Circulation	Parking should serve all structures with minimal conflicts between pedestrians and vehicles.	X	X
	All structures must be accessible to public safety vehicles.	X	X
	Development must have access to adjacent public streets and ways. Internal circulation should minimize conflicts and congestion at public access points.	X	X
Landscaping	Landscaping should be integral to the development, providing street landscaping, breaks in uninterrupted paved areas, and buffering where required by surrounding land uses. Parts of site with sensitive environmental features or natural drainageways should be preserved.	X	X
Building Design	Architectural design and building materials should be compatible with surrounding areas or highly visible locations.		X
Operating Characteristics			
Traffic Capacity	Project should not obstruct traffic on adjacent streets. Compensating improvements will be required to mitigate impact on street system operations.	X	X
External Traffic Effects	Project design should direct non-residential traffic away from residential areas.	X	X
Operating Hours	Projects with long operating hours must minimize effects on surrounding residential areas.	X	X
Outside Storage	Outside storage areas must be screened from surrounding streets and less intensive land uses.	X	X

CRITERIA		APPLIES TO	
		Site Plan Review	Special Use Permit
Public Facilities			
Sanitary Waste Disposal	Developments within 500 feet of a public sanitary sewer must connect to sewer system. Individual disposal systems, if permitted, shall not adversely affect public health, safety, or welfare.	X	X
	Sanitary sewer must have adequate capacity to serve development.	X	X
Storm Water Management	Development should handle storm water adequately to prevent overloading of public storm water management system.	X	X
	Development should not inhibit development of other properties.	X	X
	Development should not increase probability of erosion, flooding, landslides, or other run-off related effects.	X	X
Utilities	Project must be served by utilities.	X	X
	Rural estate subdivisions should be located in designated areas which can accommodate utility and infrastructure installation consistent with the need to protect the environment and public health.	X	X
Comprehensive Plan	Projects should be consistent with the City of Red Cloud's Comprehensive Development Plan.		X

41.1204 Amendment Procedure

- a. Purpose: The Amendment Procedures describe the methods by which changes may be made in the text of the Zoning Regulations (text amendment) and/or the official boundaries of zoning districts (rezoning).
- b. Initiation of Amendments:
 1. Text amendments may be initiated by the Planning Commission or City Council.
 2. Rezoning may be initiated by a property owner or authorized agent, the Planning Commission, or the City Council.
- c. Rezoning Application Requirements: An application for rezoning may be filed with the Zoning Administrator or his/her designee. 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. Any graphic information, including site plans, elevations, other drawings, or other materials determined by the Zoning Administrator to be necessary to describe the proposed use to approving agencies.

d. Amendment Process:

1. The Planning Commission, following 10 days notice and publication, shall hold a public hearing on each proposed text or rezoning and, following such public hearing, shall recommend action to the City Council. A vote either for or against an amendment by a majority of all Planning Commission members shall constitute a recommendation to the City Council. A vote either for or against an amendment by less than a majority of all Planning Commission members shall constitute a failure to make a recommendation to the City Council.
2. The City Council, after publication and public hearing, shall act on the proposed amendment. On applications which receive a recommendation of approval from the Planning Commission, majority vote of those members either elected or appointed to the City Council is required for approval. On applications which receive a recommendation of denial from the Planning Commission, a majority vote plus one of those members either elected or appointed to the City Council is required for approval.
3. Protest: If a valid protest petition opposing an amendment is filed with the City Clerk by eligible property owners, pursuant to *Section 19-905 R.R.S. 1943 (Reissue 1991)*, a majority vote plus one of those members either elected or appointed to the City Council is required for approval. A valid protest petition must meet the following criteria:
 - (a) Submission of the petition in the office of the City Clerk within 14 days after the conclusion of the public hearing on the amendment by the Planning Commission.
 - (b) Notarized signatures by at least one of the following:
 - (1) The owner or owners of at least 20% of the property proposed for rezoning.
 - (2) The owners of 20% of the total area, excepting public rights-of-way and public property, within the zoning jurisdiction of the City and within 300 feet of the proposed rezoning.

- e. Required Notice and Publication: Prior to consideration of amending, supplementing, changing, modifying, or repealing these regulations by the governing body, notices of public hearing shall be provided by two of the three following methods, as determined by the City:
1. Notice by Posted Sign: A notice shall be posted in a conspicuous place on or near the property upon which action is pending. Such notice shall be not less than 18 inches in height and 24 inches in width with a white background and black letters not less than one and one-half inches in height. Such posted notice shall be so placed upon such premises that is easily visible from the street and shall be so posted at least 10 days before the date of such hearing. It shall be unlawful for any person to remove, mutilate, destroy or change such posted notice prior to such hearing.
 2. Publication: At least 10 days before the date of hearing, the City Clerk shall have published in a daily newspaper having a general circulation in the City of Red Cloud a Notice of the time, place and subject matter of such hearing.
 3. Notification by Mail: At least 10 days prior to the date of hearing, the party initiating the rezoning request shall present the City Clerk a certified address list of those persons who own property within 300 feet of the subject site. The City Clerk shall mail notice of the time, place and subject matter of the hearing to such property owners at least 10 days prior to the date of the hearing. In addition, the City of Red Cloud shall provide for the following:
 - (a) Notification by Mail to School District: The City Clerk shall mail notice of the time, place and subject matter of any Planning Commission rezoning hearings to the School District Administrative Official and/or Chair of the Board of Education, within whose boundaries the subject site is located. The notification shall be submitted to the applicable official and/or Board of Education at least 10 days prior to the date of such meeting. Each school district to be affected by such rezoning proposal shall be notified.

41.1205 Extension of the Extra-Territorial Jurisdiction: Upon the automatic extension of the one-mile extra-territorial jurisdiction due to annexation, the City Council with the recommendation of the Planning Commission shall zone properties within the newly established Jurisdiction concurrent with adoption of the annexation ordinance. The zoning shall consider the Comprehensive Development Plan of the City of Red Cloud and the present use of the land.

41.1206 Building Permits and Certificates of Zoning Compliance

- a. Administration and Enforcement: The Zoning Administrator shall administer and enforce these regulations. The City Council may direct another person to assist him/her.

If the Zoning Administrator or his/her designee shall find that any of the provisions of these Regulations are being violated, he/she shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He/she shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by these regulations to ensure compliance with or to prevent violation of its provisions.

- b. Building Permit Required: No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefor issued by the administrative official. No building permit shall be issued by the administrative officer except in conformity with the provisions of these regulations, unless he/she receives a written order from the Board of Adjustment, as set forth in the Red Cloud Code Section 2-203, in the form of an administrative review, special exception, or variance as provided by these Regulations.
- c. Application for Building Permit: All applications for building permits shall include plans, if applicable in duplicate, drawn to scale, showing the actual dimensions and shape of the lot to be built upon, the exact sizes and locations on the lot of buildings already existing, if any, and the location and dimensions of the proposed building or alteration.

The application shall include such other information as lawfully may be required by the administrative official, including existing or proposed building or alterations; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of these Regulations. One copy of the plans shall be returned to the applicant by the administrative official, after he/she shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. One copy of the plans, similarly marked, shall be retained by the administrative official.

- d. Certificates of Zoning Compliance for New Altered or Non-Conforming Uses: It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use

structure until a certificate of zoning compliance shall have been issued therefor by the administrative official stating that the proposed use of the building or land conforms to the requirements of these Regulations.

e. Expiration of Building Permit:

1. If the work described in any building permit has not begun within 180 days from the date of issuance thereof, said permit shall expire; it shall be canceled by the administrative official and written notice thereof shall be given to the persons affected.
2. If the work described in any building permit has not been substantially completed within two years of the date of issuance thereof, said permit shall expire and be canceled by the administrative official, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new building permit has been obtained.
3. The expiration date of a building permit may be established for a period longer than two years if established at the time that such permit is issued by the City. The Zoning Administrator or his/her designee may, at his/her discretion extend the expiration period of the building permit.

- f. Construction and Use to be as Provided in Applications, Plans, Permits, and Certificates of Zoning Compliance: Building permits or certificates of zoning compliance issued on the basis of plans and applications approved by the administrative official authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed violation of these regulations, and punishable as provided by Section 41.1214 hereof.

41.1207 Schedule of Fees, Charges and Expenses: The City Council shall establish a schedule of fees, charges, and expenses and a collection procedure for building permits, certificates of zoning compliance, appeals, and other matters pertaining to these regulations.

The schedule of fees shall be posted in the office of the administrative official, and may be altered or amended only by the City Council.

Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

41.1208 – 41.1211 Board of Adjustment: See City of Red Cloud Code 2-203.

41-1212 Severability Clause: Should any section or provision of this resolution be

declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the resolution as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

41.1213 Complaints Regarding Violations: Whenever a violation of this resolution occurs, or is allowed to have occurred, any person may file a written complaint. Such complaints stating fully the causes and basis thereof shall be filed with the Zoning Administrator. He/she shall record properly such complaint immediately, investigate, and take action thereon as provided by this resolution.

41.1214 Penalties for Violation:

- a. Any person, firm, or corporation violating any provision of the Zoning Regulations of the City of Red Cloud, Nebraska, shall be deemed guilty of a misdemeanor, or on conviction thereof, shall be fined in any sum not less than Twenty-Five Dollars (\$25.00), nor more than One Hundred Dollars (\$100.00), for each offense, and any actual costs or expense incurred by the City as a result of said offense shall be taxed as costs as a part of the judgment or conviction.
- b. The owner or tenant of any building, structure, premises, or part thereof, any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.
- c. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

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