

SCHUYLER



NEBRASKA

Land Development Ordinance for the City of Schuyler

- **Zoning Chapter**
- **Subdivision Chapter**

ZONING ORDINANCE

SCHUYLER, NEBRASKA

ORDINANCE NO. 2018-04

ADOPTED BY SCHUYLER, NEBRASKA ON JANUARY 16, 2018

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**ARTICLE ONE
BASIC PROVISIONS**

11-101 Title

Chapter 11 of the Schuyler Municipal Code shall be known as the Zoning Ordinance of the City of Schuyler.

11-102 Jurisdiction

The provisions of this chapter shall be applicable to all property within the corporate limits of the City of Schuyler and the territory located within two (2) mile beyond and adjacent to the corporate limits of the City of Schuyler, as shown on the Zoning Map adopted as part of this ordinance.

11-103 Purpose

The purposes of the Zoning Ordinance of the City of Schuyler 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 Schuyler.

11-104 Consistency with Comprehensive Development Plan

The City of Schuyler has adopted a Comprehensive Development Plan to guide the zoning and land use process and decisions of the community. It is the intention of the City of Schuyler that this Zoning Ordinance and amendments are consistent, in both text and in practical application to land use and zoning decisions, with the goals and policies of the City's Comprehensive Development Plan. Since the land use and development policies of the plan are fundamental, it is the City's intent to amend this Zoning Ordinance to bring it into conformance with the plan, should this Ordinance become inconsistent with the adopted Comprehensive Development Plan or subsequent amendments to that plan.

11-105 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 the other provision of the Zoning Ordinance, any other Ordinance of the City of Schuyler, or any applicable state or federal law, the more restrictive provision shall apply.

11-106 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.

11-107 Severability of Provisions

If any chapter, section, subsection, 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.

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**ARTICLE TWO
DEFINITIONS**

11-201 Purpose

Article Two 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 section or where the context of such words or phrases clearly indicates a different meaning or construction.

11-202 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 this 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 Schuyler.

11-203 Definitions 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.

11-204 A

- 1. Abandonment: To cease or discontinue a use or activity without intent to resume as distinguished from short term interruptions such as during periods of remodeling, maintenance, or normal periods of vacation or seasonal closure.
- 2. Abut, Abutting: To border on, being contiguous with or have property or district lines in common, including property separated by an alley. Two adjoining parcels of property, with a common property line, are herein considered as one parcel abutting the other. Except where two or more lots adjoin only at the corner or corners, they shall not be considered as abutting unless the common property line between the two parcels measures not less than 10 feet in a single direction.

DEFINITIONS

3. Access or Access Way: Place, means or way by which pedestrians and vehicles shall have safe, adequate and usable ingress and egress to a property or use as required by this ordinance.
4. Accessory Building: Any detached subordinate building which serves a function customarily incidental to that of the main building or main use of the premises. Accessory buildings exceeding 121 square feet shall be affixed to the ground via concrete slab or permanent foundation and constructed to adopted building code standards. Customary accessory building includes farm buildings, garages, carports, and small storage sheds.
5. Accessory Living Quarters: Living quarters located within an accessory building located on the same premises with the main building, for use by temporary guests of the occupant of the premises, such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling unit.
6. Accessory Structure: See Accessory Building.
7. Accessory Use: A use which is incidental, related, appropriate and clearly subordinate to the main use of the lot or building, which accessory use does not alter the principal use of the subject lot or affect other properties in the district.
8. Acreage: Any tract or parcel of land which does not qualify as a farm or development and has not been subdivided or platted.
9. Adjacent: Near, close, or abutting; for example, an Industrial District across the street or highway from a Residential District shall be considered as "Adjacent".
10. Adult Day Care Center: A facility that provides care and an array of social, medical, or other support services for a period of less than 24 consecutive hours to four or more persons who require or request such services due to age or functional impairment.
11. Advertising Structure: Any notice or advertisement, pictorial or otherwise, and all such structures used as an outdoor display, regardless of size and shape, for the purposes of making anything known, the origin or place of sale of which is not on the property with such Advertising Structure. Also see Outdoor Advertising.
12. Aesthetic Zoning: The regulation of a building or site to accomplish a standard of exterior architectural appeal and/or neighborhood harmony.
13. Agricultural and Farm Buildings and Structures: Any building or structure which is necessary or incidental to the normal conduct of an agricultural operation including but not limited to residence of the operator, residence of employees, barns, buildings and sheds for housing livestock, poultry and farm machinery, buildings for the storage or shelter of grain, hay and other crops, silos, windmills and water storage tanks.
14. Agriculture: The use of land for agriculture as the primary purpose of obtaining a profit by raising, harvesting, and selling crops or by the feeding, breeding, management, and sale of, or the produce of, livestock, poultry, fur-bearing animals, or honeybees, or for dairying and the sale of dairy products, or any other agricultural or horticultural use. Agriculture shall not mean the keeping of wild animals including species defined as zoo animals. Agricultural use shall not be construed to include any parcel of land of less than twenty acres or any non-agricultural commercial or industrial development.
15. Addition: Any construction which increases the size of a building or structure in terms of site coverage, height, length, width, or gross floor area.
16. Airport: Any area which is used or is intended to be used for the taking off and landing of aircraft, including helicopters, and any appurtenant areas which are used or are intended to be used for airport buildings or facilities, including open spaces, taxiways, and tie-down areas.
17. Agent of Owner: Any person showing written verification that he/she is acting for, and with the knowledge and consent of, a property owner.

D E F I N I T I O N S

18. Alley: A minor public service street or public right-of-way measuring 20 feet or less in width, through a block of lots primarily for vehicular service access to the rear or side of properties otherwise abutting on another street. Buildings facing an alley shall not be construed as satisfying the requirements of this ordinance related to frontage on a dedicated street.
19. Alteration: Any change, addition or modification in construction or occupancy of an existing structure.
20. Alteration, Structural (see Structural Alteration)
21. Amateur Radio: Radio equipment and associated antennas or support structures for the purpose of receiving or transmitting communications by a radio station as described in Section 153(g) of Title 47 of the CFR and which is operated under license by the FCC.
22. Amendment: A change in the wording, context, or substance of this ordinance, an addition or deletion or a change in the district boundaries or classifications upon the zoning map.
23. Amusement Arcade: A building or a part of a building where five or more pinball machines, video games, or other similar player-orientated amusement devices are available and are maintained for use.
24. Amusement Park: A facility, primarily outdoors, that may include structures and buildings, where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, buildings for shows and entertainment, and restaurants and souvenir sales.
25. Animal Hospital: A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such hospital use.
26. Animal Unit: A unit of measurement to compare various domestic animal types based upon equivalent waste generation. One animal unit equals the following:
 1. One A.U.= One Cow/Calf combination
 2. One A.U.= One Slaughter, Feeder Cattle;
 3. One A.U.= One Horse;
 4. One A.U.= Seven Tenths Mature Dairy Cattle;
 5. One A.U.= Two and One-Half Swine (55 pounds or more);
 6. One A.U.= Twenty-Five Weaned Pigs (less than 55 pounds);
 7. One A.U.= Two Sows with Litters;
 8. One A.U.= 10 Sheep;
 9. One A.U.= 100 Chickens;
 10. One A.U.= 50 Turkeys;
 11. One A.U.= Five Ducks;
 12. One A.U.= Five Pigeons.
27. Animals, Domestic (see Household Pet)

DEFINITIONS

28. Animal Specialty Services: Establishments primarily engaged in pet grooming, clipping, bathing, daycare, training courses, obedience classes, and similar services; and does not include veterinary services or overnight boarding kennels.
29. Antenna: Any attached or external system of wires, poles, rods, reflecting disks or similar devices used for the transmission or reception of electromagnetic waves. (Also, see Satellite Dish Antenna and Tower.)
30. Antique Store: A place offering primarily antiques for sale. An antique for the purpose of this ordinance shall be a work of art, piece of furniture, decorative object, or the like, of belonging to the past, at least 30 years old.
31. Apartment: A room or a suite of rooms within an apartment house or multiple family dwelling arranged, intended or designed for a place of residence of a single family or group of individuals living together as a single housekeeping unit. (Also, see Dwelling Unit.)
32. Apartment House (see Dwelling, multi-family)
33. Apparel Shop: Retail stores where clothing is sold, such as department stores, shoe stores, and dress, hosiery, and millinery shops.
34. Appliance Store: Retail shops selling equipment used for domestic functions. A store may include heavy appliances such as refrigerators, washers, dryers, ovens, dishwashers, or other similar domestic equipment. The store may also include smaller appliances such as televisions, computers, radios, microwaves, and other similar domestic equipment.
35. Appearance: The outward aspect visible to the public.
36. Appurtenances: The visible, functional objects accessory to and part of buildings.
37. Architectural Canopy Sign (see Sign, Architectural Canopy)
38. Architectural Character (see Architectural Concept)
39. Architectural Concept: The basic aesthetic idea of a building, or group of buildings or structures, including the site and landscape development that produces the architectural character.
40. Architectural Feature: A prominent or significant part or element of a building, structure, or site. Architectural features may include special lines, massing, and/or texture.
 1. LINES shall mean visual elements of the building, either within the façade or on the building edge, which are in a linear form either horizontally or vertically and may be composed of masonry, glass, or other related materials.
 2. MASS shall pertain to the volume, bulk of a building or structure.
 3. TEXTURE shall mean the quality of a surface, ranging from mirror finish, smooth, to coarse and unfinished.
41. Architectural Style: The characteristic form and detail, as of buildings of a particular historic period.
42. Area: A piece of land capable of being described with such detail that its location may be established and boundaries definitely ascertained.
43. Art Gallery: An establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art. This clarification does not include libraries, museums, or non-commercial art galleries.

DEFINITIONS

44. Artisan Production Shop: A building or portion thereof used for the creation of original handmade works of art or craft items by more than three but less than six artists or artisans, as either a principal or accessory use.
45. Artist Studio: A place designed to be used, or used as, both a dwelling place and a place of work by an artist, artisan, or craftsman, including persons engaged in the application, teaching, or performance of fine arts such as, but not limited to, drawing, vocal or instrumental music, painting, sculpture, and writing.
46. Assembly Hall: A building or portion of a building in which facilities are provided for civic, educational, political, religious, or social purposes.
47. Assisted Living Facility: Any place or facility caring for six or more individuals not related within the third degree of relationship to the administrator, operator or owner by blood or marriage and who, by choice or due to functional impairments, may need personal care and may need supervised nursing care to compensate for activities of daily living limitations and in which the place or facility includes apartments for residents and provides or coordinates a range of services including personal care or supervised nursing care available 24 hours a day, seven days a week for the support of resident independence. The provision of skilled nursing procedures to a resident in an assisted living facility is not prohibited by this act. Generally, the skilled services provided in an assisted living facility shall be provided on an intermittent or limited term basis, or if limited in scope, a regular basis.
48. 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; façade wall extension; or archway.
49. Attached Permanently: Attached to real estate in such a way as to require dismantling, cutting away, unbolting from permanent foundation or structural change in such structure in order to relocate it to another site.
50. Auction Sales: A building or structure or lands used for the storage of goods, materials or livestock which are to be sold on the premises by public auction and for the sale of the said goods, materials or livestock by public auction and on an occasional basis. Auction sales also includes garage sales and motor vehicle wholesale sales, including trucks, vans, recreational vehicles, boats or motorcycles or other similar motorized transportation vehicles. Auction sales are limited to four sales per calendar year per property not to exceed two weeks per sale, unless otherwise provided for or allowed herein.
51. Automated Teller machine (ATM): An automated device that performs banking or financial functions at a location remote from the controlling financial institution.
52. Automobile Sales: The storage and display for sale or lease of more than two motor vehicles or any type of trailer (provided the trailer is unoccupied) at any one time and/or a total of ten or more sold or leased during the course of a calendar year, and where repair or body work is incidental to the operation of the new or used vehicle sales or leasing. Automobile sales includes all motor vehicle retail sales and leases including trucks, vans, recreational vehicles, boats or motorcycles or other similar motorized transportation vehicles. (Also, see Auction Sales)
53. Automotive Repair Services: Any building, structure, improvements, or land used for the repair and maintenance of automobiles, motorcycles, trucks, trailers, or similar vehicles including but not limited to body, fender, muffler, or upholstery work; oil change and lubrication; major painting services; collision services; and tire service and sales.
54. Automobile Services: Any building, structure, improvements or land used for the general maintenance of automobiles, motorcycles, trucks, trailers or similar vehicles including but not limited to washing, cleaning, and/or detailing; installation of car stereos, accessories, or other light equipment; and minor painting.
55. Automobile Wrecking Yard: Any lot, property, or acreage thereof, for the dismantling or wrecking of automobiles, tractors, farm machinery, or other motor vehicles, or for the storage or keeping for sale of parts and equipment resulting from such dismantling or wrecking.

11-205 B

1. Bakery Shop: An establishment primarily engaged in the retail sale of baked products. The products may be prepared either on or off site. A bakery shop shall be considered a general retail use.

DEFINITIONS

2. Bank: A freestanding building, with or without a drive-up window, for the custody, loan, or exchange of money; for the extension of credit; and for facilitating the transmission of funds.
3. Bar: Any establishment whose principal business is serving alcoholic beverages at retail for consumption on the premises. (Also, see Nightclub)
4. Base District: A district established by this Ordinance to prescribe basic regulations governing use and site development. No more than one base district shall apply to the same portion of a site.
5. Basement: That portion of a building below the first or ground-floor level and having less than four feet of clearance from its ceiling to the average finished grade of the building perimeter. A basement shall not be considered a story for the purposes of determining building height.
6. Beacon: Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.
7. Beauty Shop: Any establishment where cosmetology services are provided including hair care, nail care, and skin care on a regular basis for compensation.
8. Bed and Breakfast: A house, or portion thereof, where short-term lodging rooms and meals are provided.
9. Bedroom: a room within a dwelling unit planned and intended for sleeping, separable from other rooms by a door.
10. Beginning of Construction: The initial incorporation of labor and materials within the foundation of a building or structure.
11. Berm: A raised form of earth to provide screening or to improve the aesthetic character and/or drainage improvements.
12. Best Interests of Community: Interests of the community at large and not interest of the immediate neighborhood.
13. Big Box Retail: A singular retail or wholesale user. These uses typically include: membership wholesale clubs emphasizing large bulk sales, discount stores, pharmacies, grocery stores, especially warehouse style point sale concepts and department stores.
 1. LARGE BIG BOX RETAIL shall mean a big box retail establishment that occupies no less than 200,000 square feet of gross floor area.
 2. MEDIUM BIG BOX RETAIL shall mean a big box retail establishment that occupies no less than 120,000 square feet of gross floor area.
 3. SMALL BIG BOX RETAIL shall mean a big box retail establishment that occupies no less than 40,000 square feet of gross floor area.
14. Billboard (see Sign, Billboard)
15. Block: A parcel of land platted into lots and bounded by public streets or by waterways, right-of-ways, unplatted land, City-County boundaries, or adjoining property lines.
16. Block Frontage: That section of a block fronting on a street between two intersecting streets or other block boundary.

DEFINITIONS

17. Board of Adjustment: The board that has been created by the City and which has the statutory authority to hear and determine appeals, interpretations of, and variances to the zoning regulations.
18. Boarding or Rooming House: A building containing a single dwelling unit and provisions for not more than five guests, where lodging is provided with or without meals for compensation.
19. Book Store: A retail establishment that, as its primary business, engages in the sale, rental, or other charge-for-use of books, magazines, newspapers, greeting cards, postcards, videotapes, computer software, or any other printed or electronically conveyed information or media, excluding any uses defined as "adult entertainment establishments".
20. Bowling Center: An establishment that devotes more than 50 percent of its gross floor area to bowling lanes, equipment, and playing area. Accessory uses such as the retail sale of snacks, the retail sale of beverages, and video game arcade are customary.
21. Brew-On Premises Store: A facility that provides the ingredients and equipment for a customer to use to brew malt liquor at the store. Brew-on-premises stores do not include the sale of intoxicating liquor, unless the owner of the brew-on-premises store holds the appropriate liquor license.
22. Brew Pub: A restaurant or hotel which includes the brewing of beer as an accessory use. The brewing operation processes water, malt, hops, and yeast into beer or ale by mashing, cooking, and fermenting. By definition, these establishments produce no more than 20,000 barrels and must sell at least 25 percent or more of its beer on site. The area, by definition, used for brewing, including bottling and kegging, shall not exceed 25 percent of the total floor area of the commercial space.
23. Brewery: An industrial use that brews ales, beers, meads and/or similar beverages on site. Breweries are classified as a use that manufactures more than 20,000 barrels of beverage (all beverages combined) annually.
24. Brewery, Craft: A brew pub or micro-brewery.
25. Brewery, Micro: A facility for the production and packaging of malt beverages of low alcoholic content for distribution, retail or wholesale, on or off premises, with a capacity of not more than 20,000 barrels per year. The development may include other uses such as standard restaurant, bar, or live entertainment.
26. Broadcasting Tower: A structure for the transmission or broadcast of radio, television, radar, or a microwave which exceeds the maximum height permitted in the district in which it is located; provided, however, that noncommercial radio towers not exceeding 50 feet in height shall not be considered broadcast towers.
27. Buffer: A strip of land established to protect one type of land use from another incompatible land use or between a land use and a private or public road. (Also, see Screening.)
28. Buffer Zone: An area of land that separates two zoning districts and/or land uses that acts to soften or mitigate the effects of one use on the other.
29. Buildable Area: That part of a zoned lot not included within the required yards or subject to other restrictions herein required.
30. Building: Any structure built and maintained for the support, shelter or enclosure of persons, animals, chattels, or property of any kind, but shall not include temporary buildings as defined in Temporary Structure. Trailers, with or without wheels, shall not be considered as buildings.
31. Building, Area of: The sum in square feet of the ground areas occupied by all buildings and structures on a lot.

DEFINITIONS

32. **Building Code:** The various codes adopted and enforced by the City that regulate construction and requires Building Permits, electrical permits, mechanical permits, plumbing permits, and other permits to do work that pertain to building construction.
33. **Building Height:** The vertical distance above grade to the highest point of the roof, measured from the highest adjoining sidewalk or ground surface within a five-foot horizontal distance at the exterior wall of the building. (Also, see Height of Building)
34. **Building Line:** The outer boundary of a building established by the location of its exterior walls.
35. **Building Official:** The designee of the City Council, responsible for supervision and operation of the building and land use regulations of the City of Schuylers.

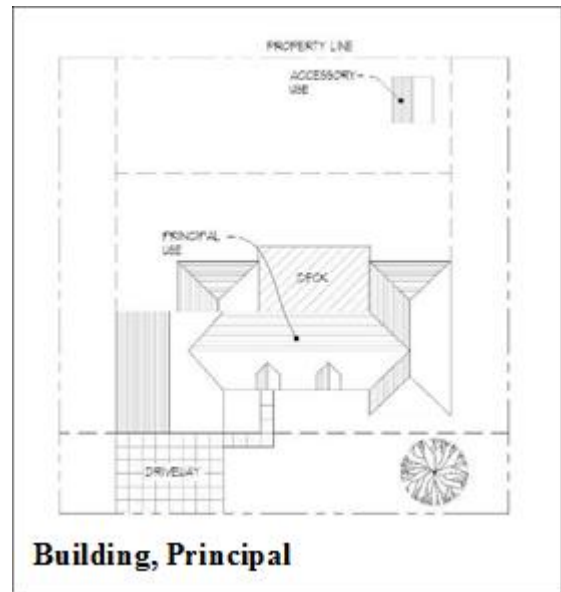
36. **Building, Principal:** a building within which the main or primary use of the lot or premises is located. (Also, see Use, Principal)

37. **Building Setback Line:** The minimum of distance as prescribed by this ordinance between any property line and the closest point of the building line or face of any building or structure related thereto.

38. **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.

39. **Business or Trade School** (see Vocational Training Facilities)

40. **Business Services:** Establishments primarily engaged in rendering services to business establishments on a contract or fee basis, such as advertising, credit reporting, collection of claims, mailing, reproduction, stenographic, news syndicates, computer programming, photocopying, duplicating, data processing, services to buildings, and help supply services.



11-206 C

1. **Campground:** Any premises where two (2) or more camping units are parked/placed for camping purposes, or any premises used or set apart for supplying to the public, camping space for two (2) or more camping units for camping purposes, which include any buildings, structures, vehicles or enclosures used or intended for use or intended wholly or in part for the accommodation of transient campers.
2. **Car Wash:** A building or structure or an area of land with machine or hand operated facilities for the cleaning, washing, polishing, or waxing of motor vehicles, not including semi-trailer tractors, buses, and commercial fleets.
3. **Car Wash, Industrial:** A mechanical facility for the washing, waxing and vacuuming of heavy trucks and buses.
4. **Carport:** A permanent roofed structure with not more than two enclosed sides used or intended to be used for automobile shelter and storage. Carports shall be permanently affixed to a concrete slab or foundation.
5. **Cellar:** A building space having more than one-half of its height below the average adjoining grade lines.

DEFINITIONS

6. Certificate of Occupancy: An official certificate issued by the Building Official or his/her designee, indicating conformance with the zoning regulations and other applicable ordinances of the city and authorizing legal use of the premises for which it is issued.
7. Cemetery: Land used or intended to be used for the burial of the dead and dedicated for such purposes, including columbarium, crematoriums, and mausoleums.
8. Change of Use: The replacement of an existing use by a new use.
9. Channel: The geographical area within either the natural or artificial banks of a watercourse or drainageway.
10. Charitable Organization or Club: A public or semi-public institutional use of a philanthropic, charitable, benevolent, religious, or eleemosynary character, but not including sheltering or caring of animals.
11. Child Care Center: A facility licensed to provide child care for 13 or more children. In addition to these regulations, Child Care Centers shall meet all requirements of the State of Nebraska.
12. Child Care Home (see Family Child Care Home I and II)
13. Church, Storefront: A religious facility contained within a store or similar structure not typically used for religious activities that are now used as a meeting place for a congregation. Structures adapted for congregations including barns, stores, warehouses, old public buildings, and single-family dwellings.
14. City: The City of Schuyler, Nebraska.
15. City Council: The City Council of Schuyler, Nebraska.
16. Clear View Zone: the area of a corner lot closest to the intersection that is kept free of visual impairment to allow full view of both pedestrian and vehicular traffic. (Also see Site Triangle.)
17. Club: an association of persons (whether or not incorporated), religious or otherwise, for a common purpose, but not including groups which are organized primarily to render a service carried on as a business for profit.
18. Cluster Development: A development designed to concentrate 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.
19. Code: The Municipal Code of Schuyler, Nebraska.
20. Coffee Kiosk: A retail food business in a freestanding building that sells coffee, or other beverages, and remade bakery goods from a drive-through window or walk-up window to customers for consumption off the premises and that provides no indoor or outdoor seating.
21. Cohesiveness: The unity of composition between design elements of a building and/or a group of buildings and the landscape development.
22. Collector Street: A street connecting neighborhoods within the same communities, designed to carry traffic from local to arterial streets.
23. College or University: Facilities which conduct regular academic instruction at collegiate levels, including graduate schools, universities, junior colleges, trade schools, nonprofit research institutions and religious institutions. Such institutions shall confer degrees as a college or university for undergraduate or graduate standing, conduct research, or give religious instruction. Private schools, academies, or

DEFINITIONS

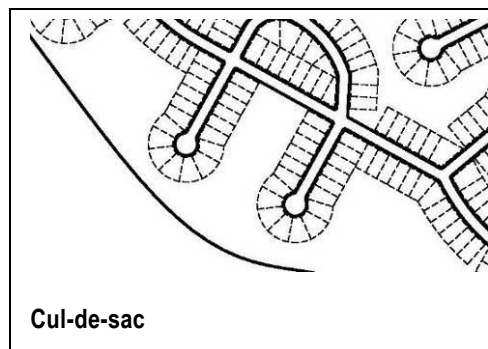
- institutes incorporated or otherwise, which operate for a profit, commercial, or private trade schools are not included in this definition.
24. Commission: The Schuyler Planning Commission.
 25. Common Area or Property: A parcel or parcels of land, together with the improvements thereon, the use and enjoyment of which are shared by the Owners of the individual building sites in a Planned Development or condominium development.
 26. Communication Services: Establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms. Excluded are facilities classified as utility services or wireless communication towers. Typical uses include television studios, communication service centers, internet service offices, or film and sound recording facilities.
 27. Community Center: A place, structure, or other facility used for and providing religious, fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve various segments of the community.
 28. Community Sanitary Sewer System: An approved central sewer collecting system, meeting required standards, available to each platted lot and discharging into a treatment facility. This does not include individual septic systems.
 29. Community Water Supply System: A public water supply system which serves at least 15 service connections used by year-round residents or uses, or regularly serves 25 or more year-round residents or uses.
 30. Compatibility: Harmony in the appearance of two or more external design features in the same vicinity.
 31. Compatible Uses: A land use which is congruous with, tolerant of, and has no adverse effects on existing neighboring uses. Incompatibility may be affected by pedestrian or vehicular traffic generation, volume of goods handled and environmental elements such as noise, dust, odor, air pollution, glare, lighting, debris generated, contamination of surface or ground water, aesthetics, vibration, electrical interference, and radiation.
 32. Comprehensive Plan: Comprehensive Plan of the City of Schuyler, Nebraska as adopted by the City Council, setting forth policies for the present and foreseeable future community welfare as a whole and meeting the purposes and requirements set forth by State Statute.
 33. Conditional Use: A use where allowed by the district regulations, that would not be appropriate generally throughout the zoning district without restrictions, but which, if controlled as to number, size, area, location, relation to the neighborhood or other minimal protective characteristics would not be detrimental to the public health, safety, and general welfare. Conditional use shall also mean special use or special exception.
 34. Conditional Use Permit: A permit issued by the Planning Commission and City Council that authorizes the recipient to make conditional use of property in accordance with the provisions of this ordinance and any additional conditions placed upon, or required by said permit. Conditional use permit shall also mean special use permit or special exception permit.
 35. Condominium: Defined in the Nebraska State Statutes Section 76-824 - 76-894, the Condominium Law, whereby four or more apartments are separately offered for sale. A condominium shall mean a multiple dwelling building as defined herein whereby the title to each dwelling unit is held in separate ownership, and the real estate on which the units are located is held in common ownership solely by the owners of the units with each having an undivided interest in the common real estate.

DEFINITIONS

36. **Conflicting Land Use:** The use of property which transfers over neighboring property lines negative economic, or environmental effects, including, but not limited to, noise, vibration, odor, dust, glare, smoke, pollution, water vapor, mismatched land uses and/or density, height, mass, mismatched layout of adjacent uses, loss of privacy, and unsightly views.
37. **Congregate Housing:** A residential facility for four or more persons 55 years or over, their spouses, or surviving spouses, providing living and sleeping facilities including meal preparation, dining areas, laundry services, room cleaning and common recreational, social, and service facilities for the exclusive use of all residents including resident staff personnel who occupy a room or unit in the residential facility.
38. **Conservation:** The protection and care that prevent destruction or deterioration of historical or otherwise significant structures, buildings or natural resources.
39. **Conservation Area:** Environmentally sensitive and valuable lands protected from any activity that would significantly alter their ecological integrity, balance or character, except in overriding public interest, including but not limited to: wetlands, floodways, flood plains, drainage ways, river or stream banks, and areas of significant biological productivity or uniqueness.
40. **Conservation Easement:** An easement granting a right or interest in real property that is appropriate to retaining land or water areas predominantly in their natural, scenic, open, or wooded condition and retaining such areas as suitable habitat for fish, plants, or wildlife, or maintaining existing land uses.
41. **Construction:** On-site erection, fabrication, installation, alteration, demolition, or removal of any structure, facility, or addition thereto, including all related activities, but not limited to, clearing of land, earth moving, blasting and landscaping.
42. **Convenience Store:** A one-story, retail store containing less than 10,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to "Food Sales Limited and Food Sales General.") It is dependent on, and is designed to attract and accommodate large volumes of stop-and-go traffic. (Also, see self-service Station)
43. **Contiguous:** The same as "Abut".
44. **Copy Center:** A retail establishment that provides duplicating services using photocopying, blueprint, and offset printing equipment, and may include the collating and binding of booklets and reports.
45. **County:** Colfax County, Nebraska.
46. **Court:** An open, unoccupied space, other than a yard, on the same lot with a building or buildings and abounded on two or more sides by such buildings.
47. **Court, Inner:** A court enclosed on all sides by the exterior walls of a building or buildings.
48. **Court, Outer:** A court enclosed on all but one side by exterior walls of building or buildings or lot lines on which fences, hedges, or walls are permitted.
49. **Cul-De-Sac:** A short public way that has only one outlet for vehicular traffic and terminates in a vehicular turn-around.

50. **Curved Lot:** (see "Lot, Curved")

a.



DEFINITIONS

11-207 D

1. Density: . The number of dwelling units per gross acre of land.
2. Department Store (see "Big Box Retail")
3. Detached: Fully separated from any other building or joined to another building in such a manner as not to constitute an enclosed or covered connection.
4. Detention Basin: A facility for the temporary storage of stormwater runoff.
5. Developer: Any person, corporation, partnership, or entity that is responsible for any undertaking that requires a building or zoning permit, conditional use permit or sign permit.
6. Development: Any unnatural change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations for which necessary permits may be required. Also, shall mean any material change in the use or appearance of any structure or in the land itself; the division of land into parcels; any change in the intensity or use of land, such as an increase in the number of dwelling units in a structure or a change to a commercial or industrial use from a less intensive use; any activity that alters a river, stream, lake, pond, woodland, wetland, endangered species habitat, aquifer or other resource area.
7. Development Concept Plan: A plan, to scale, showing uses and structures proposed for a parcel of land as required by the regulations. Includes lot lines, streets, building sites, reserved open space, building, major landscape features (both natural and man-made), and depending on requirements, the locations of proposed utility lines.
8. Development Review: The review, by the City of subdivision plats, site plans, rezoning requests, or permit review.
9. Disability or Handicap: The following, but shall not include current, illegal use of or addiction to a controlled substance:
 1. A physical or mental impairment that substantially limits one or more of such person's major life activities so that such person is incapable of living independently;
 2. A record of having such an impairment; or
 3. Being regarded as having such impairment.
10. District or Zone: A section or sections of the zoning area for which uniform regulations governing the use of land, the height, use, area, size and intensity of use of buildings, land, and open spaces are established.
11. Dog Kennel (See Kennel, Commercial; and Kennel, Private)
12. Domestic Animals: The same as household pet and shall not include any type of exotic animal listed in this ordinance.
13. Downsizing: A change in zoning classification of land to a less intensive or more restrictive district such as from commercial district to residential district or from a multiple family residential district to single family residential district.
14. Drainage: The removal of surface water or groundwater from land by drains, grading, or other means that include runoff controls to minimize erosion and sedimentation during and after construction or development, the means for preserving the water supply, and the prevention or alleviation of flooding.

DEFINITIONS

15. Drive-in Services: An establishment where customers can be served without leaving the confinement of their vehicle.
16. Driveway: Any vehicular access to an off-street parking or loading facility.
17. Dump: A place used for the disposal, abandonment, discarding by burial, incineration, or by any other means for any garbage, sewage, trash, refuse, rubble, waste material, offal or dead animals. Such use shall not involve any industrial or commercial process.
18. Duplex: the same as "Dwelling, Two Family".
19. Dwelling: Any building or portion thereof which is designed and used exclusively for single family residential purposes, excluding mobile homes.
20. Dwelling, Manufactured Home: A factory-built structure which is to be used as a place for human habitation, which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site, which does not have permanently attached to its body or frame any wheels or axles, and which bears a label certifying that it was built in compliance with standards promulgated by the United States Department of Housing and Urban Development and is permanently attached and has a permanent foundation. See Dwelling, Single Family.
 1. Permanently Attached: Attached to real estate in such a way as to require dismantling, cutting away, unbolting from permanent continuous foundation or structural change in such manufactured home in order to relocate it on another site in accordance to manufacturers recommendations.
 2. Permanent Foundation: Based on which building rests to be constructed from either poured concrete or laid masonry block or brick on a footing located below ground level to a point below the frost line.
21. Dwelling, Mobile Home: Any prefabricated structure, composed of one or more parts, used for living and sleeping purposes, shipped or moved in essentially a complete condition and mounted on wheels, skids or roller, jacks, blocks, horses, skirting or a permanent or temporary foundation or any prefabricated structure which has been or reasonably can be equipped with wheels or other devices for transporting the structure from place to place, whether by motive power or other means. Each dwelling unit shall be at least eight feet in width and thirty-two feet in length, but two-family mobile homes may have less length than the required minimum if the required width is exceeded by an amount sufficient to provide an area of at least 500 square feet. Mobile homes shall meet all current HUD standards for mobile homes and shall have said sticker stating such is true. The term mobile home shall include trailer home.
22. Dwelling, Modular: Shall mean any prefabricated structure, used for dwelling purposes, moved on to a site in an essentially complete constructed condition, in one or more parts, and when completed is a single-family unit on a permanent foundation, attached to the foundation with permanent connections. To be a modular home it shall meet or be equivalent to the construction criteria as defined by the Nebraska State Department of Health and Human Services under the authority granted by Section 71-1555 through 71-1567 Revised Statutes of Nebraska 1943, in addition to any amendments thereto, those that do not meet the above criteria shall be considered a mobile home. See Dwelling, Single Family.
23. Dwelling, Multi-Family: A building or buildings designed and used for occupancy by three or more families, all living independently of each other and having separate kitchen and toilet facilities for each family.
24. Dwelling, Seasonal: A dwelling designed and used as a temporary residence and occupied less than six months in each year.
25. Dwelling, Single Family: A building having accommodations for or occupied exclusively by one family which meet all the following standards:

DEFINITIONS

1. The home shall have no less than 900 square feet of floor area, above grade, for single story construction;
 2. The dwelling space shall be at least 50% of overall structure;
 3. The home shall have no less than an 18-foot exterior width;
 4. The roof shall be pitched with a minimum vertical rise of two and one-half inches for each 12 inches of horizontal run;
 5. The exterior material shall be of a color, material and scale comparable with those existing in residential site-built, single family construction, and shall not include vertical metal wall panels;
 6. The dwelling shall have a non-reflective roof material which is or simulates asphalt or wood shingles, tile, or rock, or an approved ribbed metal material with integrated colors;
 7. The home shall be placed on a continuous permanent foundation and have wheels, axles, transporting lights, and removable towing apparatus removed, and
 8. The home shall meet and maintain the same standards that are uniformly applied to all single-family dwellings in the zoning district.
 9. Permanent foundation: continuous perimeter base on which building rests to be constructed from either poured concrete or laid masonry block or brick on a footing to be placed a minimum of 42 inches below the final ground level.
26. Dwelling, Single-Family (Attached): A one-family dwelling unit that is attached to one additional single-family dwelling. Said dwelling units are separated by an unpierced common wall through the center of the structure that also sits along the property line separating ownership of the structure.
27. Dwelling, Single-Family (Detached): A dwelling which is entirely surrounded by open space on the same lot and is detached from another single-family dwelling.
28. Dwelling, Two Family: A building designed or used exclusively for the occupancy of two families living independently of each other and having separate kitchen and toilet facilities for each family.
29. Dwelling Unit: One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy or for lease on a weekly, monthly, or longer basis, and physically separate from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, toilet and sleeping facilities.

11-208 E

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

D E F I N I T I O N S

3. Effective Date: The date that this Ordinance shall have been adopted, amended, or the date land areas became subject to the regulations contained in this Ordinance as a result of such adoption or amendment.
4. Eleemosynary Institution: Any building or group of buildings devoted to and supported by charity.
5. Enclosed: A roofed or covered space fully surrounded by walls.
6. Encroachment: An advancement or intrusion beyond the lines or limits as designated and established by the ordinance, and to infringe or trespass into or upon the possession or right of others without permission.
7. Enlargement: The expansion of a building, structure, or use in volume, size, area, height, length, width, depth, capacity, ground coverage, or in number.
8. Erected: Constructed upon or moved onto a site.
9. Escort: A person who, for consideration, agrees or offers to act as a companion, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
10. Escort Agency: A person, or commercial establishment, who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.
11. Event Center: All buildings and associated parking facilities which are kept, used, maintained, advertised, held out, or otherwise made available to private groups and/or the general public for such purposes as meetings, civic, educational, political, religious or social purpose such as receptions, dances, entertainment, secondhand merchandise sales and the like, and may include a banquet hall, private club or fraternal organization, but not including uses identified in Adult Establishment.
12. Exercise, Fitness and Tanning Spa: An establishment that provides exercise facilities for the purposes of running, jogging, aerobics, weight lifting, court sports, and/or swimming, as well as locker rooms, showers, massage rooms, tanning beds, hot tubs, saunas or other related accessory uses; however, excluding any uses defined as "Adult entertainment Establishments", or "Sexually Oriented Businesses".
13. Expressway: A street or road that provides fast and efficient movement of large volumes of vehicular traffic between areas and does not provide direct access to property.
14. Exterior Building Component: An essential and visible part of the exterior of a building.
15. External Design Feature: The general arrangement of any portion of a building, sign, landscaping, or structure and including the kind, color, and texture of the materials of such portion, and the types of roof, windows, doors, lights, attached or ground signs, or other fixtures appurtenant to such portions as will be open to public view from any street, place, or way.
16. Extraterritorial Jurisdiction: The area beyond the corporate limits, in which the City has been granted the powers by the state to exercise zoning and building regulations and is exercising such powers. First Class Cities may have up to two miles of extraterritorial jurisdiction and may be rounded or square in shape.

11-209 F

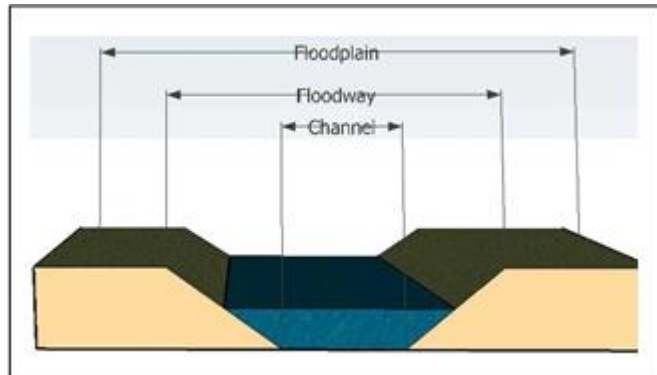
1. Façade: The exterior wall of a building exposed to public view from the building's exterior.
2. Factory: A structure or plant within which something is made or manufactured from raw or partly wrought materials into forms suitable for use.

DEFINITIONS

3. Family: A person living alone, or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking, and eating facilities: (1) any number of people related by blood, marriage, adoption, guardianship, or duly-authorized custodial relationship; (2) three unrelated people; (3) three unrelated people and any children related to either of them; (4) group care home; or (5) group home for the handicapped. Family does not include any society, club, fraternity, sorority, association, lodge combine, federation, coterie, or like organization; any group of individuals whose association is temporary or seasonal in nature; or any group of individuals who are in a group living arrangement as a result of criminal offenses.
4. Family Child Care Home I: A child care operation in the provider's place of residence which serves between four and eight children at any one time. A Family Child Care Home I provider may be approved to serve no more than two additional school-age children during non-school hours. In addition to these regulations, a Child Care Home shall meet requirement of the State of Nebraska.
5. Family Child Care Home II: A child care operation either in the provider's place of residence or a site other than the residence, serving twelve or fewer children at any one time. In addition to these regulations, a Child Care Home shall meet requirement of the State of Nebraska.
6. Farm: An area containing at least 10 acres or more which is used for growing of the usual farm products such as vegetables, fruit, and grain, and the storage on the area, as well as for the raising thereon of the usual farm poultry and farm animals. The term farming includes the operating of such area for one or more of the above uses with the necessary accessory uses for treating or storing the produce and the feeding of livestock as hereinafter prescribed provided such accessory uses do not include the feeding of garbage or offal to swine or other animals.
7. Farm Animals or Livestock: Animals associated with agricultural operations, commonly kept or raised as a part of an agricultural operation including but not limited to horses, cattle, sheep, swine, goats, chickens and turkeys.
8. Farm building or Structure: Any building or structure which is necessary or incidental to the normal conduct of a farm including but not limited to residence of the operator, residence of hired men, barns, buildings and sheds for housing livestock, poultry and farm machinery, buildings for the storage or shelter of grain, hay and other crops, silos, windmills and water storage tanks.
9. Farm Residence: Residential dwellings located on a farm including mobile homes appurtenant to agricultural operations including the living quarters for persons employed on the premises.
10. Farmer's Market: Two or more vendors offering for sale fresh agricultural or home-crafted products directly to the consumer at an open-air market designated as a community activity.
11. Farmstead: A tract of land of not less than one acre and not more than 20 acres, upon which a farm dwelling and other farm building existed at the time of the adoption of this ordinance and is used for single-family resident purposes.
12. Federal: Pertaining to the Government of the United States of America.
13. Feedlot: A lot, yard, corral or other area in which livestock are confined, primarily for the purpose of feeding and growth prior to slaughter.
14. Fence: An enclosure or barrier, such as wooden posts, smooth, non-barbed wire, iron, etc., used as a boundary, means of protection, privacy screening or confinement, but not including vehicles, machinery, equipment, buildings or hedges, shrubs, trees, or other natural growth. A fence shall include retaining walls over four feet in height.

DEFINITIONS

15. Fence, Agricultural: an artificially erected barrier, other than a building, vehicles or machinery, constructed of manmade material, or combination of manmade materials, erected to enclose an area of land used for agricultural purposes. An agricultural fence may be constructed of barbed, smooth, or meshed wire and may be electrified.
16. Fence, Open: A fence, including gates, which has 50 percent or more of the surface area in open spaces which affords direct views through the fence.
17. Fence, Seasonal: A temporary fence constructed of plastic or wood lathe erected and maintained from October through April to prevent snow drifting.
18. Fence, Solid: Any fence which does not qualify as an open fence.
19. Fence, Temporary: A fence that is erected for construction purposes or for event security and is removed upon completion of the project or end of the event.
20. Festival: The sale of ethnic specialty, regional, and gourmet foods, art and crafts, live musical entertainment, in an outdoor setting.
21. Fireworks Stand: Any portable or permanent building and/or structure used for the temporary retail sale and storage of fireworks and meets the requirements within the Municipal Code.
22. Fireworks Storage: Any permanent building and/or structure where fireworks are stored for any portion of a year provided there is no retail sales made from the storage location. Said storage facility may also be used for the delivery and distribution of fireworks on a wholesale basis.
23. Flood (see Municipal Code Section 152.21)
24. Flood Plain (see Municipal Code Section 152.21)
25. Floodway (see Municipal Code Section 152.21)
26. Floor Area: Whenever the term "floor area" is used in this ordinance as a basis for requiring off-street parking for any structure, it shall be assumed that, unless otherwise stated, said floor area applies not only to the ground floor area but also to any additional stories of said structure. All horizontal dimensions shall be taken from the exterior faces of walls.
27. Floor Area Ratio: A measure of intensity of development equal to the quotient of gross floor area divided by gross site area.
28. Food Sales: Establishments or places of business primarily engaged in the retail sale of food or household products for home consumption. Typical uses include groceries, delicatessens, meat markets, retail bakeries, and candy shops.
1. FOOD SALES (LIMITED) shall mean food sales establishments occupying 10,000 square feet or less of space.
 2. FOOD SALES (GENERAL) shall mean food sales establishments occupying more than 10,000 square feet of space. Typically a supermarket.



DEFINITIONS

29. Freestanding Canopy: A permanent, freestanding, unenclosed roof structure, typical of gas stations and financial institutions, designed to provide patrons shelter from the elements.
30. Frontage: That portion of a parcel of property which abuts a dedicated public street or highway. See also Lot Frontage and Street Frontage.

11-210 G

1. Garage, Private: A detached accessory building or a portion of a main building on the same lot as a dwelling for the housing of vehicles of the occupants of the dwelling, including carports.
2. Garage, Public: Any garage other than a private garage.
3. Garage, Repair: A building designed and used for the storage, care, repair, or refinishing of motor vehicles including both minor and major mechanical overhauling, paint, and body work. (Also, see Service Station.)
4. Garage, Storage: A building or portion thereof designed or used exclusively for housing four (4) or more motor driven vehicles.
5. Garbage: Any waste food material of an animal or vegetable nature, including that which may be used for the fattening of livestock.
6. Gated Communities: Residential areas that restrict access to normally public spaces. These are subdivisions of usually high-end houses. The type of gates can range from elaborate guard houses to simple electronic arms.
7. Grade: The average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five feet of a sidewalk, the ground level shall be measured at the sidewalk.
8. Graphic Element: A letter, illustration, symbol, figure, insignia, or other device employed to express and illustrate a message or part thereof.
9. Green Building: Structures that incorporate the principles of sustainable design in which the impact of a building on the environment will be minimal over the lifetime of that building. Green buildings incorporate principles of energy and resource efficiency, practical applications of waste reduction and pollution prevention, good indoor air quality and natural light to promote occupant health and productivity, and transportation efficiency in design and construction, during use and reuse. A building shall be considered "green" if it meets the requirements of the most current LEED certification criteria or any other nationally recognized green building certification program.
10. Greenhouse: A building or premises used for growing plants, preparation of floral arrangements for off-site delivery to customers, cold storage of flowers or dry storage of materials used for agricultural or horticultural purposes.
11. Greenway: A parcel or parcels of land, together with the improvements thereon, dedicated as an easement for access and/or recreation; usually a strip of land set aside for a walkway, bicycle trail, bridal path, or other similar access-way.
12. Gross Floor Area: 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.
13. Ground Cover: Plant material used in landscaping which remains less than 12 inches in height at maturity. (Also, see Landscaping.)

DEFINITIONS

14. Ground Water: Water occurring beneath the surface of the ground that fills available openings in the rock or soil materials (whether created or natural) such that they may be considered saturated.
15. Group Home: A facility which houses more than five (5) but less than twelve (12) persons who are unrelated by blood, marriage or adoption. Those facilities may offer, in addition to lodging, accommodations, meals, resident support services, counseling, guidance and varying levels of medical care. Such facility shall be licensed or approved by the State of Nebraska or other appropriate agency.
16. Group Care Home: A home which is operated under the auspices of an organization which is responsible for providing social services, administration, direction, and control for the home which is designed to provide twenty-four hour care for individuals in a residential setting. The term does not include any society, club, fraternity, sorority, association, lodge combine, federation, coterie, or like organization; any group of individuals whose association is temporary or seasonal in nature; or any group of individuals who are in a group living arrangement as a result of criminal offenses.
17. Group Home for the Handicapped: A dwelling with resident staff shared by four or more handicapped persons who live together as a single housekeeping unit and in a long term, family-like environment in which staff persons provide care, education, and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential. As used herein, the term "handicapped" shall mean having: (1) A physical or mental impairment that substantially limits one or more of such person's major life activities so that such person is incapable of living independently; or (2) A record of having such an impairment.
18. Group Housing: two or more separate buildings on a lot, each containing one or more dwelling units.
19. Guest Room: A room which is designed to be occupied by one or more guest for sleeping purposes, having no kitchen facilities, not including dormitories.
20. Gunsmith: A shop that designs, makes or repairs small firearms.

DEFINITIONS

11-211 H

1. Half-Story: A story under a gable, hip or gambrel roof, plates of which are not more than three feet above the floor of such story.
2. Halfway House: A licensed home for individuals on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, living together as a single housekeeping unit, wherein supervision, rehabilitation and counseling are provided to mainstream residents back into society, enabling them to live independently.
3. Hard Surfaced: Any surface used for movement of vehicular and / or pedestrians which is properly designed and paved with either asphalt or concrete.
4. Harmony: A quality that represents an appropriate and congruent arrangement of parts, as in an arrangement of varied architectural and landscape elements.
5. Hazardous Waste/Materials: Waste products of industrial or chemical processes including finished surplus, used, contaminated, or unwanted fertilizer, herbicide, petroleum products, or other such processed waste material.
6. Health Club: Privately owned facilities such as gymnasiums, swimming pools, athletic clubs, recreational clubs, reducing salons, and weight control establishments.
7. Health Recreation Facility: An indoor or outdoor facility including uses such as game courts, exercise equipment, locker rooms, whirlpool spa and/or sauna and pro shop.
8. Hedge: A plant or series of plants, shrubs or other landscape vegetation, so arranged as to form a physical barrier or enclosure.
9. Height of Building: The vertical distance above grade to the highest point of the coping of a flat roof, of the peak of a gable roof, or of any other type of pitched, hipped, or mansard roof measured from the curb level if the building is not more than 10 feet from the front line or from the grade in all other cases. The grade is the highest adjoining sidewalk or ground surface within a 5-foot horizontal distance of the exterior wall of the building, when such sidewalk or ground surface is not more than 10 feet above grade. The height of a stepped or terraced building is the maximum height of any segment of the building.
10. Home Improvement Center: A facility of more than 40,000 square feet of gross floor area, engaged in the retail sale of various basic hardware lines, such as tools, builders' hardware, lumber, paint and glass, housewares and household appliances, garden supplies, and cutlery.
11. Home Occupation: An "in-home" or "home based" business, industry or service (not including uses defined as Adult Entertainment Establishment or Sexually Oriented Business) operating from a residential dwelling, or within an accessory building on the same property in a residential zoning district. Home occupations shall be secondary and incidental in nature to the primary residential structure and/or property in all residential zoning districts. Home occupations shall satisfy the standards set forth in Section 11-609 of these regulations. Home occupations shall include such uses as art/craft making, seamstress services, professional offices (real estate/insurance/medical), multi-level marketing, vending services, service businesses (contracting/janitorial/mechanical), instruction (music), consulting, wholesale/catalogue sales, personal service (beauty/barber/massage/tattoo), shops, and other similar uses. Uses also include business offices for services such as construction, repair and cosmetic services/sales rendered at other locations and internet businesses. Such uses include on-site sales and services and may include one employee not residing on the premises.
12. Homeowners Association: A private, nonprofit corporation or association of homeowners of properties in a fixed area, established for the purpose of owning, operating, and maintaining various common properties and facilities.

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13. Hotel: A building or portion thereof, or a group of buildings, offering transient lodging accommodations on a daily rate to the general public and which may also provide services associated with restaurants, meeting rooms, and recreational facilities. The word "hotel" includes motel, inn, automobile court, motor inn, motor lodge, motor court, tourist court, motor hotel.
14. House Trailer (see Dwelling: Mobile Home)
15. Household Pet: An animal that is customarily kept for personal use or enjoyment within the home. Household pet shall include but not be limited to domestic dogs, domestic cats, domestic tropical birds, fish, and rodents, such as gerbils and guinea pigs.

11-212 I

1. Impervious Surface: 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.
2. Impervious Coverage, Maximum: The percentage measured of a site that may be covered by buildings and other surfaces and development features which prevent the penetration of water into the ground (such as driveways, porches, parking lots, and other features). Limits on impervious coverage help control the velocity and quantity of storm-water runoff and provide for groundwater recharge.
3. Incidental Use: A use, which is subordinate to the main use of a premise.
4. Industry: The manufacture, fabrication, processing reduction or destruction of any article, substance or commodity, or any other treatment thereof in such a manner as to change the form, character, or appearance thereof and including storage elevators, truck storage yards, warehouses, wholesale storage and other similar types of enterprise.
5. Infill Development: The construction of a building or structure on a vacant parcel located in a predominately built up area.
6. Infill Site: Any vacant lot, parcel, or tract of land within developed areas of the City, where at least 80 percent of the land within a 300-foot radius of the site has been developed, and where water, sewer, streets, and fire protection have already been constructed or are provided.
7. Inoperable Motor Vehicle: Any motor vehicle which: (1) Does not have a current state license plate; or, (2) Which may or may not have a current state license plate, but is disassembled or wrecked in part or in whole, or is unable to move under its own power, or is not equipped as required by Nebraska State Law for operation upon streets or highways. A vehicle which is wholly or partially dismantled shall not be considered inoperable when said vehicle is inside a completely enclosed building.
8. Intensity: The degree to which land is used referring to the levels of concentration or activity in uses ranging from uses of low intensity being agricultural and residential to uses of highest intensity being heavy industrial uses. High intensity uses are normally uses that generate concentrations of vehicular traffic and daytime population and are less compatible with lower intensive uses.
9. Intensive Livestock Confinement Facilities/Operations: mean any building(s), lot(s), pen(s), pool(s) or pond(s) or other confined spaces, which normally are not used for raising crops or grazing animals, which are designed and/or used for on-going confined raising, feeding or management of animals for more than 90 consecutive days, or more than 120 days out of a calendar year, which exceed the following animal capacities.
 - a) Cattle - 500 head
 - b) Dairy Cattle - 300 head

DEFINITIONS

- c) Swine - 1,500 head
 - d) Sheep and Goats - 500 head
 - e) Turkeys - 2,000 birds
 - f) Chickens - 2,000 birds
 - g) Fur-bearing - 2,000 head
 - h) Swine < 50# - 1,500 head
10. Intent and Purpose: The Commission and Council by the adoption of this ordinance, have made a finding that the health, safety, and welfare of the Community will be served by the creation of the District and by the regulations prescribed therein.

11-213 J

- 1. Juice Bar (See Adult Establishment Section 11-7010)
- 2. Junk: Any worn-out, cast-off, old, or discarded articles of scrap, copper, brass, iron, steel, rope, rags, batteries, paper, trash, rubber, debris, waste, dismantled or wrecked automobiles, or parts thereof, and other old or scrap ferrous or nonferrous material.
- 3. Junk Yard: Any lot, land parcel, building, or structure or part thereof for storage, collection, purchase, sale, salvage, or disposal of machinery, farm machinery, and including motor vehicles, parts and equipment resulting from dismantling or wrecking, or keeping of junk, including scrap metals or other scrap materials, with no burning permitted. For motor vehicles, see "Automobile Wrecking Yard".

11-214 K

- 1. Kennel, Boarding and Training: Any lot or premises on which four or more dogs, cats or non-farm/non-domestic or any combination thereof, at least six months of age, are boarded, or trained.
- 2. Kennel, Commercial: Any lot or premises on which four or more dogs, cats or non-farm/non-domestic or any combination thereof (more than three dogs and one cat or more than one dog and three cats), at least six months of age, are confined, treated, boarded, housed, cared for, or bred and shall include any lot or parcel of land or place where a person, corporation or other entity engages in, conducts, manages or maintains a veterinary business, regardless of the number of animals treated, kept, confined, boarded or cared for.
- 3. Kennel, Private: The keeping, breeding, raising, showing or training of four or fewer dogs, cats, or non-farm/non-domestic or any combination thereof (not exceeding two dogs and two cats), over six months of age for personal enjoyment of the owner or occupants of the property, and for which commercial gain is not the primary objective.

11-215 L

- 1. Laboratory: A facility used for testing and analyzing medical and dental samples from off-site locations. "Testing Laboratories" shall refer to soil and geotechnical research and analysis. Laboratories do not include human or animal research / testing facilities.
- 2. Lagoon: A wastewater treatment facility which is a shallow, artificial pond where sunlight, bacterial action, and/or oxygen interact to restore wastewater to a reasonable state of purity. This includes both human and livestock wastes. All lagoons shall meet the design criteria and regulations established by the Nebraska Department of Environmental Quality and the Nebraska Department of Health and Human Services.

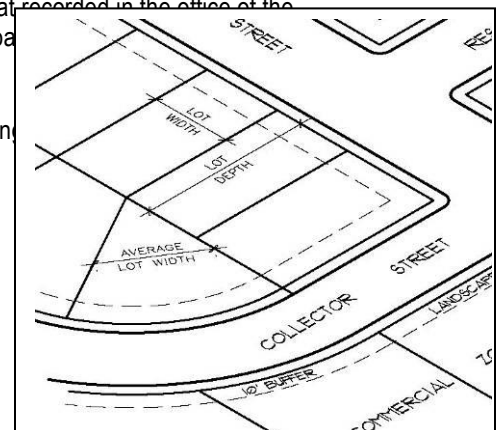
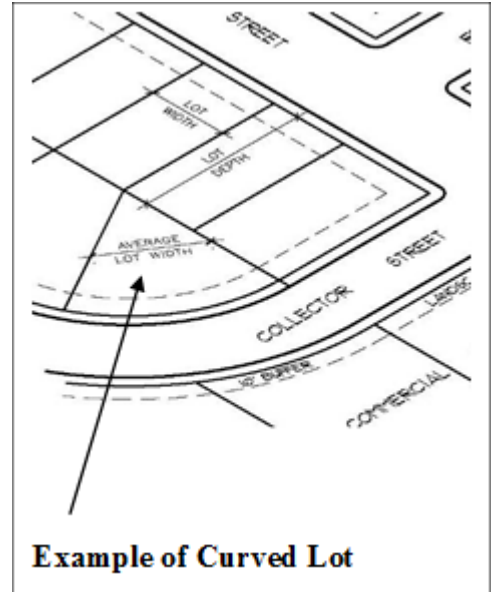
DEFINITIONS

3. Landfill: A disposal site employing a method of disposing solid wastes in a manner that minimizes environmental hazards in accordance with state and federal requirements.
4. Landscape: Plant materials, topography, and other natural physical elements combined in relation to one another and to man-made structures.
5. 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, groundcover, 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.
6. Landscaping: The planting, or replacement, of suitable vegetation in conformity with the requirements of this ordinance and the continued maintenance thereof.
7. Laundry Service: An establishment that provides washing, drying, and/or ironing facilities for customers on the premises.
8. LEED: A professional credential that means Leadership in Energy and Environmental Design as administered and regulated by the United States Green Building Council.
9. LEED-ND: A professional credential within the overall LEED program meaning Leadership in Energy and Environmental Design – Neighborhood Design as administered and regulated by United States Green Building Council.
10. Life Care Facility: A facility for the transitional residency of the elderly and/or disabled persons, progressing from independent living to congregate apartment living where residents share common meals and culminating in full health and continuing care nursing home facility. (also see Congregate Housing)
11. Light Cut-Off Angle: An angle from vertical, extending downward from a luminaire, which defines the maximum range of incident illumination outward at the ground plane.
12. Limits of Grading: The outermost edge of the area in which the existing topography is to be altered by excavation and/or filling.
13. Livestock: Animals associated with agricultural operation, commonly kept or raised as a part of an agricultural operation including but not limited to horses, cattle, sheep, swine, goats, chickens and turkeys.
14. Loading Space: An off-street space or berth on the same lot with a main building, or contiguous to a group of buildings, for the temporary parking of commercial vehicles while loading or unloading, and which abuts a street, alley, or other appropriate means of ingress and egress.
15. Logic of Design: Accepted principles and criteria of validity in the solution of the problem of design.
16. Long-Term Care Facility: A facility that provides the following services, as such are defined by state law: Nursing home facilities, boarding home, adult care home, assisted living facility, center for the developmentally disabled, group residence, swing bed.
17. Lot: A parcel or tract of land which is or may be occupied by a use herein permitted, together with yards, and other open spaces herein required, that has frontage upon a street, and is a part of a recorded

DEFINITIONS

subdivision plat or has been recorded prior to the adoption of the ordinance, or a parcel of real property delineated on an approved record of survey, lot-split or sub-parceling map as filed in the office of the County Recorder and having frontage along at least one public street or right-of-way, permanent ingress/egress easement meeting city standards, or one private road.

18. **Lot Area:** The total horizontal area within the lot lines of a lot.
19. **Lot, Corner:** a lot located at the intersection of two or more streets at an angle of not more than 135 degrees. If the angle is greater than 135 degrees, the lot shall be considered an "Interior Lot". All sides facing a street/road on a corner lot shall be considered a front yard.
20. **Lot Coverage:** The portion of a lot or building site which is occupied by any building or structure, excepting paved areas, walks and swimming pools, regardless of whether said building or structure is intended for human occupancy or not.
21. **Lot, Curved:** A lot fronting on the curve of the right-of-way of a curved street, which street has a centerline radius of 300 feet or less.
22. **Lot Depth:** The average horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.
23. **Lot, Double Frontage:** A lot having a frontage on two non-intersecting streets as distinguished from a corner lot.
24. **Lot Flag:** A lot with frontage and access provided to the bulk of the lot by means of a narrow corridor.
25. **Lot Frontage:** the side of a lot abutting on a legally accessible street/road right-of-way other than an alley or county road designated as minimum maintenance. For the purposes of this definition, on corner lots, all sides of a lot adjacent to streets or roads shall be considered frontage.
26. **Lot, Interior:** A lot other than a corner lot.
27. **Lot Line:** The property line bounding a lot.
28. **Lot Line, Front:** The property line abutting a street
29. **Lot Line, Rear:** A lot line not abutting a street which is opposite and most distant from the front lot line.
30. **Lot Line, Side:** Any lot line not a front lot line or rear lot line.
31. **Lot, Non-Conforming:** A lot having less area or dimension than that required in the district in which it is located and which was lawfully created prior to the zoning thereof whereby the larger area or dimension requirements were established, or any lot, other than one shown on a plat recorded in the office of the County Register of Deeds, which does not abut a public road or public road lawfully created prior to the effective date of this ordinance.
32. **Lot, Through:** A lot having frontage on two dedicated streets, not including Lot, Double Frontage.

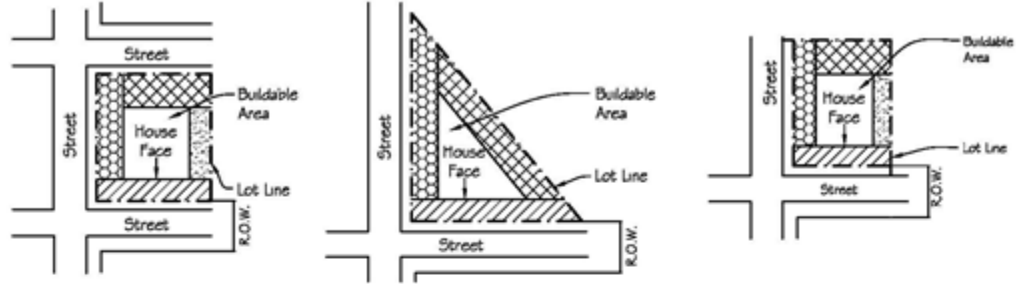


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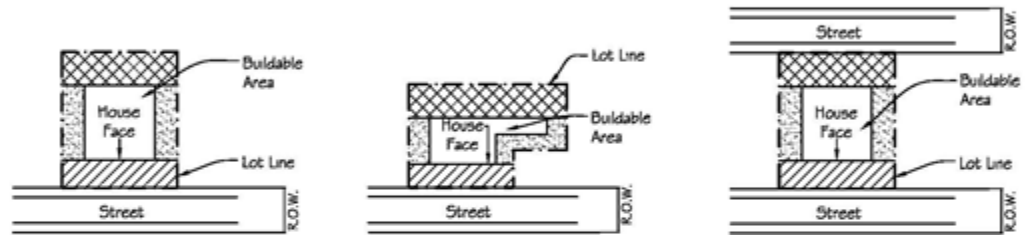
33. Lot of Record: A lot held in separate ownership as shown on the records of the County Register of Deeds at the time of the passage of a regulation or regulation establishing the zoning district in which the lot is located.
34. Lot Width: The horizontal distance between the side lot lines, measured at the front yard setback line.
35. Lot, Zoning: A parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on the approved private street, and may consist of:
 1. A single lot of record;
 2. A portion of a lot of record;
 3. A combination of complete lots of record and portions of lots of record, or of portions of record;
 4. A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this ordinance.

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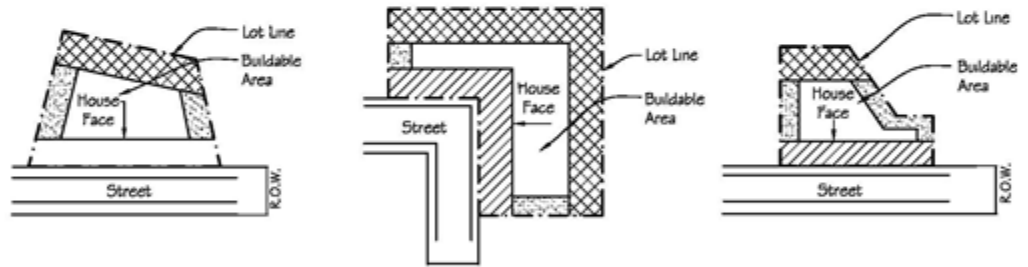
Corner Lot Scenarios



Interior Lot Scenarios



Odd-Shaped Lot Scenarios



Cul-de-sac Lot Scenarios



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1. Mail Order Services: An establishment primarily engaged in the retail sale of products by television, telemarketing, internet, catalog, and mail order. Such a use may include warehousing, shipping, and receiving of merchandise intended for retail sale.
2. Manufactured Home Park: One or more parcels of land under common ownership that have been planned and improved for the placement of manufactured housing used or to be used for dwelling purposes and where manufactured home spaces are not offered for sale or sold. The term "manufactured home park" does not include sales lots on which new or used manufactured homes are parked for the purposes of storage, inspection, or sale.
3. Manufactured Home Subdivision: Any area, piece, parcel, tract or plot of ground subdivided and used or intended to be used for the purpose of selling lots for occupancy by manufactured homes.
4. Manufacturing: Uses primarily engaged in the mechanical or chemical transformation of materials or substances into new products. These uses are usually described as plants, factories, or mills and characteristically use power driven machines and materials handling equipment. Uses engaged in assembling component parts of manufactured products are also considered manufacturing if the new product is neither a structure nor other fixed improvement. Also included is the blending of material such as lubricating oils, plastics, resins, or liquors. Manufacturing production is usually carried on for the wholesale market, for interplant transfer, or to order for industrial users, rather than for direct sale to the domestic consumer.
5. Manufacturing, Light: An establishment engaged in the indoor manufacturing, assembly, fabrication, packaging or other industrial processing of finished parts or products, primarily from previously prepared materials, or the indoor provision of industrial services. This term includes but is not limited to a business engaged in the processing, fabrication, assembly, treatment, or packaging of food, textile, leather, wood, paper, chemical, plastic, or metal products.
6. Map, Official Zoning District: A map delineating the boundaries of zoning districts which, along with the zoning text, is officially adopted by the Schuyler City Council.
7. Massage Establishment; Any building, room, place, or establishment other than a regularly licensed and established hospital or dispensary, where non-medical or non-surgical manipulative exercises or devices are practiced upon the human body manually or otherwise by any person other than a licensed physician, surgeon, dentist, occupational and/or physical therapist, chiropractor, or osteopath, or their employees with or without the use of therapeutic, electrical, mechanical, or bathing devices. Said establishment shall comply with all state regulations as per §71-1,278 through §71-1,283, Nebr. R.R.S., 1943
8. Massage Parlor (See Adult Massage Parlor, Health Club Section 11.7010)
9. Master Fee Schedule: A fee schedule maintained by the City of Schuyler and adopted, and amended periodically, which establishes the required fees to be collected for specific Planning, Zoning, Subdivision, and Building Inspection activities.
10. Mechanical Equipment: Equipment, devices, and accessories, the use of which relates to water supply, drainage, heating, ventilating, air conditioning, and similar purposes.
11. Medical/Dental Offices: A building or portion of a building containing offices and facilities for providing medical, dental, or psychiatric services for outpatients only.
12. Meeting Hall: A building used for public assembly.
13. Microbrewery (see Brew Pub)
14. Mini-Storage or Mini-Warehouse (see Self-Service Storage Facility)

DEFINITIONS

15. Miscellaneous Structures: Structures, other than buildings, visible from public ways. Examples are: memorials, stagings, antennas, water tanks and towers, sheds, shelters, fences, and walls, kennels, transformers, drive-up facilities.
16. Mixed Use: Properties where various uses, such as office, commercial, institutional, and residential, are combined in a single building or on a single site in an integrated development project with significant functional interrelationships and a coherent physical design.
17. Mobile Food Vendor: A person, who by traveling from place to place upon the public way, sells or offers for sale food from public or private property to consumers for immediate delivery and consumption upon purchase. The following activities are excluded from such definition, and alone, do not subject a vendor to being considered by such a definition: a) the sale or offer of farm products produced or raised by a vendor from land occupied and cultivated by him/her; or b) the sale or offer for sale of food by a caterer offering services on a short-term, contract basis.
18. Mobile Homes: (see Dwelling, Mobile Home)
19. Mobile Home Park Any area of land, under common ownership, on which two (2) or more mobile homes are parked, connected to utilities and used for living or sleeping purposes. A mobile home parked in this area can either be placed on permanent foundation or supported only by its wheels, jacks, blocks, or skirtings or a combination of these devices. A mobile home park includes any premises set apart for supplying to the public parking space, either free of charge or for revenue purposes for two (2) or more mobile homes, connected to utilities and used for living or sleeping purposes and shall include any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of such mobile home park. See also Manufactured Home Park.
20. Mobile Home Subdivision: A legal division of land into lots, for the purpose of conveying lots for sale to individual owners. Mobile Home Subdivisions permit the installation of mobile home units, built to HUD standards, on such lots, and generally intend that the owner of the mobile home unit is also the owner of the lot on which it is placed.
21. Monotony: Repetitive sameness, lacking variety and variation, and/or reiteration.
22. Mortuary: An establishment in which the deceased are prepared for burial or cremation. The facility may include funeral services and spaces for informal gatherings or display of funeral equipment. This classification excludes cemeteries and crematories.
23. Motel: (see Hotel)
24. Motor Vehicle: Every self-propelled land vehicle, not operated upon rails, except mopeds and self-propelled invalid chairs.

11-217 N

1. Nebraska Revised Reissued Statues: 1943 and the abbreviated term Nebr. R. R. S., 1943 are one and the same.
2. Newsstand: A temporary structure manned by a vendor, whom sells newspapers, magazines and other periodicals.
3. Nightclub: A commercial establishment dispensing beverages for consumption on the premises and in which dancing is permitted or entertainment is provided. (Also, see Bar.)
4. Non-Community Water Supply System: Any public water supply system that is not a community water supply system.

D E F I N I T I O N S

5. Non-Conforming: A building or use, or portion thereof, which was lawful when established but which does not conform to subsequently established zoning regulations.
6. Non-Conforming Structure A building or portion thereof which was lawful when established but which does not conform to subsequently established zoning or zoning regulations.
7. Non-Conforming Use A use lawful when established but which does not conform to subsequently established zoning or zoning regulation.
8. Non-Farm Buildings: All buildings except those buildings utilized for agricultural purposes on a farmstead of ten acres or more which produces one thousand dollars or more of farm products each year.
9. Nuisance:
Anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses such as noise, dust, odor, smoke, gas, pollution, congestion, lighting, and litter.
10. Nursery: The use of a premises for the propagation, cultivation, and growth of trees, shrubs, plants, vines, and the like from seed or stock, and the sale thereof, and including the sale of trees, shrubs, plants, vines, and the like purchased elsewhere and transplanted into the soil of the premises. In connection with the sale of plants, such fungicides, insecticides, chemicals, peat moss, humus, mulches, and fertilizers as are intended to be used in preserving the life and health of the plants may be sold.
11. Nursery School (see Preschool)

11-218 O

1. Office: A building or a portion of a building wherein services are performed involving, primarily, administrative, professional, or clerical operations.
2. Office Park: A development which contains a number of separate office buildings, accessory and supporting uses, and open space all designed, planned, constructed, and maintained on a coordinated basis.
3. Official Map (see Map, Official Zoning District)
4. Off-Street Parking Area or Vehicular Use Area: All off street areas and spaces designed, used, required, or intended to be used for parking, including driveways or access ways in and to such areas.
5. Open Air Porch: A porch that may have support posts and a roof, but no enclosure walls, trellises and no vegetation which impedes the vision of traffic.
6. Open Lots: Pens or similar concentrated areas, including small shed-type areas or open-front buildings, with dirt, or concrete (or paved or hard) surfaces, wherein animals or poultry are substantially or entirely exposed to the outside environment except for possible small portions affording some protection by windbreaks or small shed-type areas.
7. Open Space: A parcel or parcels of land, together with the improvements thereon, primarily set aside for recreational use and enjoyment, exclusive of land areas used for streets, alleys, roads, driveways, parking areas, structures, and buildings.
8. Open Space, Common: A separate and distinct area set aside as open space within or related to a development, and not on individually owned lots or dedicated for public use, but which is designed and intended for the common use or enjoyment of the residents of the development. Rights-of-way, private streets, driveways, parking lots or other surfaces designed or intended for vehicular use or required yards shall not be included as common open space.

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9. Outlot: A lot remnant or parcel of land left over after platting, which is intended as open space or other use, for which no building permit shall be issued for any private structures, except signs.
10. Outdoor Advertising: Includes the definitions of "Advertising Structure" and "Sign".
11. Outdoor Storage: The storage of any material for a period greater than 72 hours not in an enclosed building, including items for sale, lease, processing, and repair, including motor vehicles. Outdoor Storage Containers: A standardized, reusable, fully enclosed, detached and self-supporting structure, which by itself is incapable of motion or movement and is or appears to be originally, specifically or formerly designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities. The container must be manufactured or assembled off-site and transportable, by means other than its own power not having a foundation or wheels for movement. Examples include piggyback containers that can be transported by mounting on a chassis, and "POD"-type boxes that can be transported on a flatbed or other truck; but do not include prefabricated sheds that are not designed for transport after erection, or commercial trailers used by construction or other uses in the regular performance of their business.
12. Overlay District: A district in which additional requirements act in conjunction with the underlying zoning district. The original zoning district designation does not change.
13. Owner: One or more persons, including corporations, who have title to the property, building or structure in question.

11-219 P

1. Paintball: All guns and other devices used for the purpose of firing pellets containing a latex paint at a person or target.
2. Paintball Course, Commercial: A commercial recreational park containing obstacle courses for the purpose of staging paintball battles. Said facility generally collects a fee, either as membership or on a visit by visit basis that allows individuals to participate in paintball activities.
3. Parcel: A lot or a contiguous group of lots in single ownership or under single control, which may be considered as a unit for purposes of development.
4. Park: Any public or private land available for recreational, educational, cultural, or aesthetic use.
5. Parking Area, Private: An area, other than a street, restricted from general public use and used for the parking of automotive vehicles capable of moving under their own power.
6. Parking Area, Public: An area, other than a private parking area or street used for the parking of vehicles capable of moving under their own power, either free or for remuneration.
7. Parking Space, Automobile: An area, other than a street or alley, reserved for the parking of an automobile, such space having a dimension not less than 9 feet by 20 feet, plus such additional area as is necessary to afford adequate ingress and egress.
8. Parkway: An arterial or collector roadway with full or partial control of access, and located within a park or ribbon of park like development.
9. Performance Guarantee: A financial guarantee to ensure that all improvements, facilities, or work required by this Ordinance will be completed in compliance with these regulations as well as with approved plans and specifications of a development.

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10. Permanent Foundation: A base constructed from either poured concrete or laid masonry rock or brick and placed on a footing located below ground level to a point below the frost line upon which a building or structure is permanently attached.
11. Permanently Attached: Connected to real estate in such a way as to require dismantling, cutting away, or unbolting in order to remove, relocate, or replace.
12. Permitted Use: Any land use allowed without condition within a zoning district.
13. Person: An individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, City, County, special district or any other group or combination acting as an entity, except that it shall not include Schuyler, Nebraska.
14. Pet Health Service (See Animal Hospital)
15. Pet Shop: A retail establishment primarily involved in the sale of domestic animals, such as dogs, cats, fish, birds, and reptiles, excluding exotic animals and farm animals such as horses, cattle, goats, sheep and poultry.
16. Pinball or Video Games Business (see Amusement Arcade)
17. Pivots, Partial or Wiper: Any center pivot irrigation system that cannot make a full circle without coming into contact with public road right-of-way. Normally a mechanical or electrical stop is installed to stop the pivot from going out into the road right-of-way.
18. Planned Unit Development: .A development designed to provide for an unusual or different arrangement of residential, business, or industrial uses in accordance with an approved development plan.
19. Planning Commission: The Planning Commission of Schuyler, Nebraska.
20. Plant Materials: Trees, shrubs, vines, ground covers, grass, perennials, annuals, and bulbs.
21. Plat: A map showing the location, boundaries, and legal description of individual properties.
22. Policy: A statement or document of the City, such as the comprehensive plan, that forms the basis for enacting legislation or making decisions.
23. Postal Station: A commercial business which conducts the retail sale of stationery products, provides packaging and mail services (both U.S. Postal and private service), and provides mailboxes for lease.
24. Poultry: Domestic fowl, chickens, ducks, geese, and similar fowl, but specifically excluding turkeys and guinea fowl.
25. Preschool: An early childhood program which provides primarily educational services,
26. Premises: A tract of land consisting of one or more lots or sites which are contiguous and under common ownership or control. A tract of land, consisting of one lot or irregular tract, or more than one lot or irregular tract, provided such lots or tracts are under common ownership, contiguous, and used as a single tract. A building or land within a prescribed area.
27. Principal Building (see "Building, Principal")
28. Principal Use (see "Use, Principal")
29. Private Garage: (see Garage, Private)

DEFINITIONS

30. Prohibited Use: Any use of land, other than non-conforming, which is not listed as a permitted use or conditional use within a zoning district.
31. Promotional Device: Any sign intended to be displayed either with or without a frame, with or without characters, letters, illustrations, or other material, on a fabric of any kind. National flags, flags of political subdivisions, or symbolic flags of any institutions or business shall be considered a promotional device for the purpose of this definition. Banners, pennants, inflatable characters, streamers, or fringe-type ribbons or piping shall be considered as a promotional device. However, the flag of the United States of American shall not be considered a promotional device and exempt from zoning regulations except for the pole or structure utilized to display the flag, which is subject to height limitations.
32. Property Line: The line separating parcels under different ownerships or between different developments.
33. Proportion: A balanced relationship of parts of a building, landscape, structures, or buildings to each other and to the whole.
34. Protected Zone: All lands that fall outside the buildable areas of a parcel, all areas of a parcel required to remain in open space, and/or all areas required as landscaping strips according to the provisions of the Zoning Regulation.
35. Public Facility: Any building, location, or structure, owned by a public entity such as a library, fire station, school, park, and other similar facilities and uses.
36. Public Service/Use: A specified activity or area that either through actual public ownership or through dedication of easements allows the general public access and use.
37. Public Utility: Any business which furnishes the general public telephone service, telegraph service, electricity, natural gas, water and sewer, or any other business so affecting the public interest as to be subject to the supervision or regulation by an agency of the state or federal government.
38. Public Water Supply: A water supply system designed to provide public piped water fit for human consumption, if such system has at least 15 service connections or regularly serves at least twenty-five individuals. This definition shall include: (1) Any collection, treatment, storage, or distribution facilities under the control of the operator of such system and used primarily in connection with such system; and (2) Any collection or pretreatment storage facilities not under such control which are used primarily in the connection with such system.

11-220 Q

1. Quarry: An open pit from which building stone, sand, gravel, mineral, or fill is taken to be processed or used for commercial purposes.

11-221 R

1. Railroad: The land use including the right-of-way (R. O. W.) abutting railroad properties occupied by uses pertinent to the railroad operation and maintenance, but not including properties owned by the railroad and leased for use by others.
2. Recreational Establishment (see Recreational Facility)
3. Recreational Facility: Private facilities for the use by the public for passive and active recreation including tennis, handball, racquetball, basketball, track and field, jogging, baseball, soccer, skating, swimming, or golf. This shall include country clubs and athletic clubs, but not facilities accessory to a private residence used only by the owner and guests, nor arenas or stadiums used primarily for spectators to watch athletic events. In addition, recreational facilities shall mean museums, amphitheaters, race tracks (including all motor-powered vehicles) and wildlife conservation areas (used for public viewing), and theme parks.

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4. Recreational Vehicle (RV): A vehicular unit less than 40 feet in overall length, 8 and 1/2 feet in width, or 12 feet in overall height, primarily designed as a temporary living quarters for recreational camping or travel use having either its own power or designed to be mounted on or drawn by a motor vehicle. Recreational vehicle includes motor home, truck camper, travel trailer, camping trailer, and fifth wheel.
5. Recreational Vehicle (RV) Park: A tract of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes by campers, vacationers, or travelers.
6. Recycling Facility: Any location where the primary use is where scrap or recyclable materials are stored, bought, sold, accumulated, exchanged, packaged, disassembled, or handled, including, but not limited to, scrap metals, paper, rags, tires, bottles and other materials.
7. Recycling Collection Point: A collection point for small refuse items, such as bottles, cans and newspapers, located either in a container or small structure.
8. Redevelopment: The act of preserving and/or rehabilitating existing buildings. In extreme cases, a building or structure could be demolished for the purpose of a new use or building.
9. Regulation: A specific requirement set forth by this Zoning Ordinance which must be followed.
10. Re-Inspection Fee: Any fee charged for an inspection other than the initial inspection when required work has not or was not completed and results in additional trips to the site by the inspector or agent of the City.
11. Remote Parking: A supply of off-street parking at a location not on the site of a given development.
12. Reservation Center: A travel agency; or other such agency involved in selling and arranging transportation, tours, trips, and accommodations for tourists.
13. Residence: A building used, designed, or intended to be used as a home or dwelling place for one or more families.
14. Residential Area: Those parcels/areas currently to be used as a residential use (whether legal conforming or legal non-conforming) and/or those designated as residential in the future land use plan of the city's comprehensive plan.
15. Restaurant: A public eating establishment at which the primary function is the preparation and serving of food primarily to persons seated within the building.
16. Restaurant, Drive-In: An establishment that has the facilities to serve prepared food and/or beverages to customers seated within motor vehicles for consumption either on or off the premises.
17. Restaurant, Entertainment: An establishment where food and drink are prepared, served, and consumed, within a building or structure that integrally includes electronic and mechanical games of skill, simulation, and virtual reality, play areas, video arcades or similar uses, billiards, and or other forms of amusement.
18. Restaurant, Fast Food: An establishment whose principal business is the sale of food and/or beverages in ready-to-consume individual servings, for consumption either within the establishment, for carryout, drive-thru or drive-in; and where food and/or beverages are usually served in paper, plastic, or other disposable containers.
19. Retail, Big Box (see Big Box Retail)

DEFINITIONS

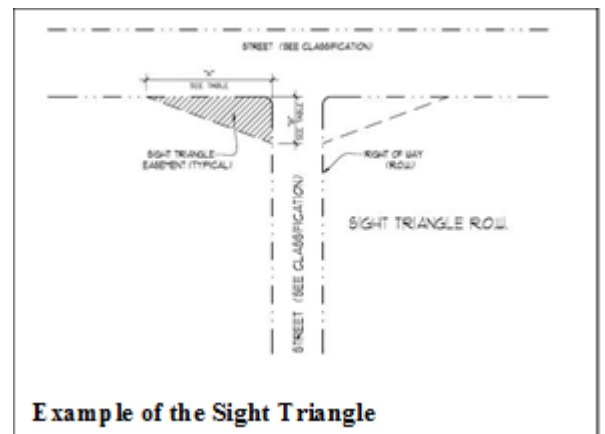
20. Retail Trade or Use: Uses primarily engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of goods. Uses engaged in retail trade sell merchandise to the general public or to households for personal consumption.
21. Retention Basin: A pond, pool, or basin used for the permanent storage of stormwater runoff.
22. Reverse Spot Zoning: An arbitrary zoning or rezoning of a small tract of land that is not consistent with the comprehensive land use plan and that uniquely burdens an individual owner largely to secure some public benefit. Reverse spot zoning usually results from downzoning a tract of land to a less intensive use classification than that imposed on nearby properties.
23. Rezoning: An amendment to or change in the zoning regulations either to the text or map or both.
24. Rezoning, Piecemeal: The zoning reclassification of individual lots resulting in uncertainty in the future compatible development of the area.
25. Right-of-Way: An area or strip of land, either public or private, on which an irrevocable right of passage has been dedicated, recorded, or otherwise legally established for the use of vehicles or pedestrians or both.
26. Road: The same as "Street".
27. Road, Private: A way, other than driveways, open to vehicular ingress and egress established for the benefit of certain, adjacent properties not to exceed more than four lots served by such road. (Also, see right-of-way and Street.)
28. Road, Public: A public right-of-way reserved or dedicated for street or road traffic. (Also, see Right-of-Way and Street.)
29. Room: An un-subdivided portion of the interior of a dwelling unit, excluding bathroom, kitchen, closets, hallways, and service porches.

11-222 S

1. Salvage Yard: Businesses engaged in the storage, collection, purchase, sale, salvage, or disposal of machinery, parts and equipment that are a result of dismantling or wrecking, including scrap metals or other scrap materials, with no burning permitted.
2. Satellite Dish Antenna: A round, parabolic antenna incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, or cone and used to transmit and/or receive radio or electromagnetic waves.
3. Scale: A proportional relationship of the size of parts to one another and to the human figure.
4. School, Pre- or Nursery: A school or center for children under school age, whether licensed as a day care center or not, shall be approved by the Nebraska State Fire Marshall as being in safety conformance with the National Fire Protection Association, Pamphlet 101, known as the Life Safety Code and shall be approved by the Nebraska Department of Health and Welfare as meeting their health and welfare standards.
5. School, Private: Facilities which conduct regular academic instruction for a profit, such as commercial schools, private trade schools, and business schools.
6. Screening: A structure of planting that conceals from view from public ways the area behind such structure or planting.

DEFINITIONS

7. Seasonal Use: Those land uses and structures that are operated during specific seasons of the year, ie. Christmas tree sales and haunted houses.
8. Selective Clearing: The careful and planned removal of trees, shrubs, and plants using specific standards and protection measures.
9. Self-Service Station: An establishment where motor fuels are stored and dispensed into the fuel tanks of motor vehicles by persons other than the service station attendant and may include facilities available for the sale of other retail products.
10. Self-Service Storage Facility: A building or group of buildings containing individual, compartmentalized, and controlled access stalls or lockers for storage.
11. Separate Ownership: Ownership of a parcel of land by a person who does not own any of the land abutting such parcel.
12. Service Stations: Buildings and premises where the primary use is the supply and dispensing at retail of motor fuels, lubricants, batteries, tires, and motor vehicle accessories and where light maintenance activities such as engine tune-ups, lubrications, and washing may be conducted, but not including heavy maintenance and repair such as engine overhauls, painting, and body repair.
13. Setback Line, Front Yard: The line which defines the depth of the required front yard. Said setback line shall be parallel with the street/road right-of-way line.
14. Setback Line, Rear Yard or Side Yard: The line which defines the width or depth of the required rear or side yard. Said setback line shall be parallel with the property line, removed therefrom by the perpendicular distance prescribed for the yard in the district.
15. Shopping Center: A group of commercial establishments planned, constructed, and managed as a total entity with customer and employee parking provided on-site, provisions for goods delivery that is separated from customer access, aesthetic considerations, and protection from the elements.
16. Shopping Center, Commercial Strip: A commercial development, usually one store deep, that fronts on a major street for a distance of one City block or more. Includes individual buildings on their own lots, with on-site parking and small linear shopping centers with on-site parking in front of the stores.
17. Shopping Center, Outlet: A commercial development that consists mostly of manufacturers' outlet stores selling their own brands at a discounted price. This definition includes all forms of centers, such as strip style, enclosed mall style, and city clustered style centers.
18. Shrub: A multi-stemmed woody plant other than a tree.
19. Sidewalk Café: An area adjacent to a street level eating or drinking establishment located adjacent to the public pedestrian walkway and used exclusively for dining, drinking, and pedestrian circulation. The area may be separated from the public sidewalk by railings, fencing, or landscaping or a combination thereof.
20. Sight Triangle: An area at a street intersection (or street and railroad) in which nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of 30 inches and eight feet above grade level within the triangular area formed by the intersection of the property lines or street right-of-way lines which is at a distance of 25 feet from the intersection of said lines.



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21. Sign: see Article 10 of this Ordinance.
22. Similar Use: The use of land, buildings, or structures of like kind or general nature with other uses within a zoning district as related to bulk, intensity of use, traffic generation and congestion, function, public services requirements, aesthetics or other similarities.
23. Site: The parcel of land to be developed or built upon. A site may encompass a single lot, a portion of a lot, or a group of lots developed as a common development. A site must be in one base district, and cannot be separated by a public street or alley.
24. Site Break: A structural or landscape device to interrupt long vistas and create visual interest in a site development.
25. Site Plan: (see Development Concept Plan)
26. Site, Septic: The area bounded by the dimensions required for the proper location of the septic tank system.
27. Skate, In-Line: A boot-type device, which is placed on an individual's feet. In-line skates contain wheels on the bottom of the boot, which are attached in linear fashion.
28. Skate Park: A recreational facility containing skateboard ramps and other obstacle courses and devices for use with skateboards and in-line skates.
29. Skateboard: A foot board mounted upon four or more wheels and is usually propelled by the user who sometimes stands, sits, kneels, or lays upon the device while it is in motion.
30. Skateboard Pipe: An outdoor structure which is shaped into a half circle or oval, that are designed and principally intended to permit persons on skateboards to move continuously from one side to the other.
31. Skateboard Ramp: An outdoor structure with an upward inclined surface, essentially one of the sides of a pipe, which are designed and principally intended to permit persons on skateboards to move from horizontal to vertical and back to horizontal.
32. Sludge: Solids removed from sewage during wastewater treatment and then disposed of by incineration, dumping, burial, or land application.
33. Small Wind Energy Systems see Section 11-614
34. Solid Waste: Waste materials consisting of garbage, trash, refuse, rubble, sewage, offal, dead animals, or paunch manure.
35. Solid Waste Company: Any company or firm that takes away, removes, or transfers solid wastes from one location to another through the use of vehicles or rail cars.
36. Special Exception or Special Exception Permit: Conditional use or conditional use permit.
37. Special Use or Special Use Permit: Conditional use or conditional use permit.
38. Spot Zoning: An arbitrary zoning or rezoning of a small tract of land that is not consistent with the comprehensive land use plan and primarily promotes the private interest of the owner rather than the general welfare. Spot zoning usually results from an upzoning to a more intensive use classification.

DEFINITIONS

39. Stable: A facility, either as a principal or accessory use, that is designed for the maintenance, rental, or storage of non-domesticated animals.
40. Standard System: A sewage treatment system employing a building sewer, septic tank, and a standard soil absorption system.
41. State: The State of Nebraska.
42. Storage: The keeping of any goods, junk, material, merchandise, or vehicles on the same tract or premises for more than 30 days.
43. Storefront: The public-accessible entrance(s) to a commercial use visible from a private/public street or sidewalk.
44. Storm Drain: A conduit that carries natural storm and surface water drainage but not sewage and industrial wastes, other than unpolluted cooling water.
45. Stormwater Detention: Any storm drainage technique that retards or detains runoff, such as a detention or retention basin, parking lot storage, rooftop storage, porous pavement, dry wells, or any combination thereof. Said detention shall be designed by a licensed professional engineer and approved by the City.
46. Stormwater Management: The collecting, conveyance, channeling, holding retaining, detaining, infiltrating, diverting, treating, or filtering of surface water, or groundwater, and/or runoff, together with applicable managerial (non-structural) measures.
47. Stormwater Retention Area: An area designed by a licensed professional engineer and approved by the City to retain water to control the flow of stormwater.
48. Stormwater Runoff: Surplus surface water generated by rainfall that does not seep into the earth but flows over land to flowing or stagnant bodies of water.
49. Story: A space in a building between the surface of any floor and the surface of the floor above, or if there is not floor above, then the space between such floor and the ceiling or roof above.
50. Story, One-Half: The same as "Half-Story".
51. Street: A public thoroughfare or right-of-way dedicated, deeded, or condemned for use as such, other than an alley, which affords the principal means of access to abutting property including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare except as excluded in this ordinance.
52. Street, Arterial: A street designed with the primary function of efficient movement of through traffic between and around areas of a village, city, or county with controlled access to abutting property.
53. Street Centerline: The centerline of a street right-of-way as established by official surveys.
54. Street, Collector: A street or high way, which is intended to carry traffic from minor Street to major streets. Collector streets are usually the principal entrance streets to residential developments and the streets for circulation within the development.
55. Street, Curvilinear: Local streets that deviate from straight alignment and change direction without sharp corners or bends.
56. Street, Expressway: A street or road that provides fast and efficient movement of large volumes of vehicular traffic between areas and does not provide direct access to property.

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57. Street Frontage: The distance for which a lot line of a zoned lot adjoins a public street, from one lot line intersecting said street to the furthest distant lot line intersecting the same street.
58. Street, Frontage Access: A street parallel and adjacent to a major street, major inter-regional highway, or major collection road and primarily for service to the abutting properties, and being separated from the major street by a dividing strip.
59. Street Hardware: Man-made objects other than buildings that are part of the streetscape. Examples are: lamp posts, utility poles, traffic signs, benches, litter containers, planting containers, letter boxes, fire hydrants.
60. Street, Local: A street designed for local traffic that provides direct access to abutting residential, commercial, or industrial properties.
61. Street, Looped: A continuous local street without intersecting streets and having its two outlets connected to the same street.
62. Streets, Major: A street or highway used primarily for fast or high volume traffic, including expressways, freeways, boulevards, and arterial streets.
63. Street, Private: An open, unoccupied space, other than a street or alley dedicated to the public, but permanently established as the principal means of vehicular access to abutting properties. The term "private street" includes the term "place."
64. Street, Side: That street bounding a corner or reversed corner lot and which extends in the same general direction as the line determining the depth of the lot.
65. Streetscape: The scene as may be observed along a public street or way composed of natural and man-made components, including buildings, paving, plantings, street hardware, and miscellaneous structures.
66. Structure: Anything constructed or built, any edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, which requires location on the ground or is attached to something having a location on the ground, including fences, car ports, swimming and wading pools and covered patios, excepting outdoor areas such as paved areas, walks, tennis courts, and similar recreation areas.
67. Structure, Advertising: The same as "advertising structure".
68. Structural Alteration: Any change in the support members of a building, such as in a bearing wall, column, beam or girder, floor or ceiling joists, roof rafters, roof diaphragms, foundations, piles, or retaining walls or similar components.
69. Subdivision: The division of land, lot, tract, or parcel into two or more lots, parcels, plats, or sites, or other divisions of land for the purpose of sale, lease, offer, or development, whether immediate or future. The term shall also include the division of residential, commercial, industrial, agricultural, or other land whether by deed, metes, and bounds description, lease, map, plat, or other instrument.
70. Substantial Improvement: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, (a) before the improvement is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any alteration to comply with existing state or local health, sanitary, building, or safety codes or regulations.
71. Surface Waters: All waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, wetlands, watercourses, waterways, springs, canal systems, drainage

DEFINITIONS

systems, and all other bodies or accumulations of water, natural or artificial, public or private, situated wholly or partly within or bordering upon the state. See also Waters of the State.

72. Swimming Pool: A structure, and all appurtenant equipment, constructed either above or below grade with a depth of at least 18 inches utilized for the purposes of swimming, diving, or wading.

11-223 T

1. Tanning Spa or Salon: Any business that uses artificial lighting systems to produce a tan on an individual's body. These facilities may be either a stand-alone business or as an accessory use in spas, gymnasiums, athletic clubs, health clubs, and styling salons. This use is not included with any type of adult establishment.
2. Tattoo Parlor/Body Piercing Studio: An establishment whose principal business activity is the practice of tattooing and/or piercing the body of paying customers.
3. Tavern (see Bar)
4. Telecommunications Facility: Any facility that transmits and/or receives signals by electromagnetic or optical means, including antennas, microwave dishes, horns, or similar types of equipment, towers or similar structures supporting such equipment, and equipment buildings.
5. Telephone Exchange: A building used exclusively for the transmission and exchange of telephone messages, but the term shall not include wireless communications towers.
6. Temporary Structure: A structure without any foundation or footing and removed when the designated time period, activity or use for which the temporary structure was erected has ceased.
7. Temporary Use: A use intended for limited duration, not to exceed thirty days, to be located in a zoning district not permitting such use without a Temporary Use Permit. Temporary use permits are limited to four per calendar year per lot/property and not to exceed a total of 30 days.
8. Theater: A building or structure used for dramatic, operatic, motion pictures, or other performance, for admission to which entrance money is received and no audience participation or meal service, not to include activities which are considered adult entertainment of a sexually oriented business.
9. Tower: A structure situated on a site that is intended for transmitting or receiving television, radio, or telephone communications. (Also, see Antenna.)
10. Townhouse: A one-family dwelling unit, with a private entrance, which part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having a totally exposed front and rear wall to be used for access, light, and ventilation.
11. Townhouse Structure: A building formed by two or more contiguous townhouses with common or abutting walls.
12. Trailer, Automobile: A vehicle without motive power, designed and constructed to travel on the public thoroughfares and to be used for human habitation or for carrying property, including a trailer coach.
13. Transportation Services: Establishments providing services incidental to transportation of goods, such as forwarding, packing, crating, or other means of preparing goods for shipping.
14. Transfer Station (Refuse): Any enclosed facility where solid wastes, trash, or garbage is transferred from one vehicle or rail car to another or where solid wastes, trash, or garbage is stored and consolidated before being transported for disposal elsewhere.

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15. Truck Repair: The repair, including major mechanical and body work, straightening of body parts, painting, welding, or other work that may include noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in gasoline service stations, of trucks having a hauling capacity of over one ton and buses but excluding pickups and other vehicles designed for the transport of under eight passengers.
16. Truck Stop: A heavy commercial use that primarily involves providing fuel and other vehicular repair services to tractor-trailer vehicles. This use may also provide accessory uses such as sale of gifts, convenience store, restaurant, showers, overnight parking, and a motel.

11-224 U

1. Upzoning: A change in zoning classification of land to a more intensive or less restrictive district such as from residential district to commercial district or from a single family residential district to a multiple family residential district.
2. Use: the purpose or activity for which land or buildings are designed, arranged, or intended or for which land or buildings are occupied or maintained.
3. Use, Best: The recommended use or uses of land contained in an adopted comprehensive plan. Such use represents the best use of public facilities, and promotes health, safety and general welfare.
4. Use, Highest: An appraisal or real estate market concept that identifies the use of a specific tract of land that is most likely to produce the greatest net return on investment.
5. Use, Permitted: Any land use allowed without condition within a zoning district.
6. Use, Prohibited: Any use of land, other than non-conforming, which is not listed as a permitted use or conditional use within a zoning district.
7. Use, Principal: The main use of land or structure, as distinguished from an accessory use. (Also, see Building, Principal.)
8. Used Materials Yard: any lot or a portion of any lot used for the storage of used materials. This shall not include "Junk Yards" or "Automobile Wrecking Yards".
9. Utilitarian Structure: a structure or enclosure relating to mechanical or electrical services to a building or development.
10. Utility Easement: the same as "Easement".
11. Utility Hardware: devices such as poles, cross arms, transformers and vaults, gas pressure regulating assemblies, hydrants, and buffalo boxes that are used for water, gas, oil, sewer, and electrical services to a building or a project.
12. Utilities, Overhead or Underground "Local Distribution" System of: The local service distribution circuit or lines and related appurtenances served from a substation, town border station, reservoir, or terminal facility which is served from a main supply line, main transmission line, or main feeder line as may be applicable to electric, communications, gas, fuel, or local generation plant. Local electric distribution systems shall be limited to include all lines and appurtenances carrying a primary voltage of less than 161 KV from an electric transformer substation to the consumer. The local telephone distribution system shall be limited to include the local exchange lines, the local toll lines, and the local communications equipment facilities structure.
13. Utilities, Overhead or Underground "Transmission Line, Supply Line, Wholesale Carrier or Trunk Line, Main Feeder Line: Or other applicable designation shall mean the main supply or feeder line serving a

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local distribution system of utilities, and shall include but is not limited to pumping stations, substations, regulating stations, generator facilities, reservoirs, tank farms, processing facilities, terminal facilities, towers, and relay stations, and treatment plants.

14. Utility Service: Any device, including wire, pipe, and conduit, which carries gas, water, electricity, oil and communications into a building or development.

11-225 V

1. Value: The estimated cost to replace a structure in kind, based on current replacement costs.
2. Variance: A relief from or variation of the provisions of this Ordinance, other than use regulations, as applied to a specific piece of property, as distinct from rezoning.
3. Vegetation: All plant life; however, for purposes of this Zoning Regulation it shall be restricted to mean trees, shrubs, and vines.
4. Vehicle: every device in, upon, or by which any person or property is or may be transported or drawn upon a street, excepting devices moved solely by human power or used exclusively upon stationary rails or tracks.
5. Vehicle, Motor (see Motor Vehicle.)
6. Veterinary Services: A building or part of a building used for the care, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those who are in need of medical or surgical attention. Such clinics may also provide long-term lodging for ill or unwanted animals, or lodging for healthy animals on a fee basis. Such clinics may or may not also provide general grooming practices for such animals.
7. View: a range of sight including pleasing vistas or prospects or scenes. Views include but are not limited to the sight of geologic features, water, skylines, bridges, and distant cities.
8. View Corridor: The line of sight identified as to height, width, and distance of an observer looking toward an object of significance to the community or the route that directs a viewer's attention.
9. View Protection Regulations: The regulations that protect the view of or from particular points, usually via height limitations.
10. Visual Impact: A modification or change that could be either compatible or incompatible with the scale, form, texture, or color of the existing natural or man-made landscape.
11. Vocational or Special Training Facilities: A specialized instructional establishment that provides on-site training of business, commercial, and/or trade skills such as accounting, data processing, and computer repair. This classification excludes establishments providing training in an activity that is not otherwise permitted in the zone. Incidental instructional services in conjunction with another primary use shall not be included in this definition.

11-226 W

1. Warehouse: A building used primarily for the storage of goods and materials.
2. Warehouse and Distribution: A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment.
3. Wastewater Lagoon (see Lagoon.)

D E F I N I T I O N S

4. Waters of the State: All waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, wetlands, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water surface or underground, material or artificial, public or private, situated wholly within or bordering upon the state.
5. Wetland: An area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that, under normal circumstances, does support, a prevalence of vegetation typically adapted for life in saturated soiled conditions, commonly known as hydrophytic vegetation.
6. Wholesale Establishment: An establishment for the on-premises sales of goods primarily to customers engaged in the business of reselling the goods.
7. Wholesale Trade: A use primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. The principal types of establishments included are: Merchant wholesalers; sales branches and sales offices (but not retail stores) maintained by manufacturing enterprises apart from their plants for the purpose of marketing their products; agents, merchandise or commodity brokers, and commission merchants; petroleum bulk storage, assemblers, buyers, and associations engaged in cooperative marketing of farm products. The chief functions of uses in wholesale trade are selling goods to trading establishments, or to industrial, commercial, institutional, farm and professional; and bringing buyer and seller together. In addition to selling, functions frequently performed by wholesale establishments include maintaining inventories of goods; extending credit; physically assembling, sorting and grading goods in large lots, breaking bulk and redistribution in smaller lots; delivery; refrigeration; and various types of promotion such as advertising and label designing.
8. Wildlife: Animals or plants existing in their natural habitat.
9. Wind Energy Systems: A wind-driven machine that converts wind energy into electrical power for the primary purpose of resale or off-site use.
10. Wireless Communications Tower: A structure designed and constructed to support one or more antennas used by commercial wireless telecommunication facilities and including all appurtenant devices attached to it. A tower can be freestanding (solely self-supported by attachment to the ground) or supported (attached directly to the ground with guy wires), of either lattice or monopole construction.

11-227 X

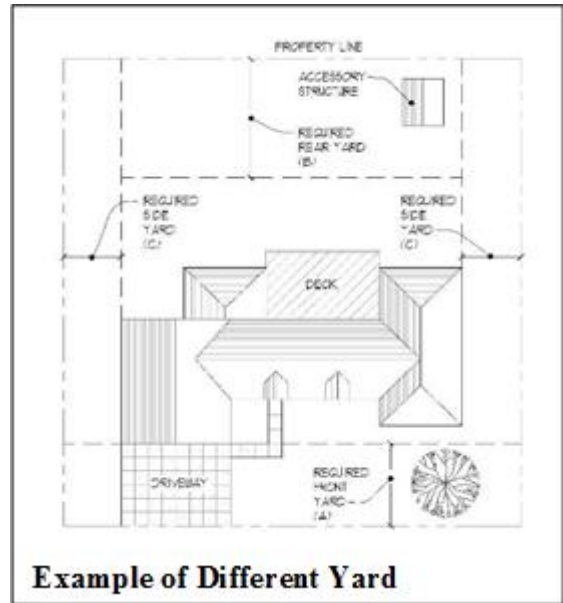
11-228 Y

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

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2. Yard, Front: A space between the front yard setback line and the front lot line or street/road right-of-way line, and extending the full width of the lot.
3. Yard, Rear: A space between the rear yard setback line and the rear lot line, extending the full width of the lot.
4. Yard, Side: A space extending from the front yard, or from the front lot line where no front yard is required by this ordinance, to the rear yard, or rear lot line, between a side lot line and the side yard setback line.

a.



11-229 Z

1. Zoned Lot (see Lot, Zoning)
2. Zoning Administrator: The person or persons authorized and empowered by the City of Schuyler to administer and enforce the requirements of this Ordinance.
3. Zoning District: A portion of the zoned area of the City of Schuyler and the extraterritorial jurisdiction for which uniform regulations governing the use, height, area size and intensity of the use of buildings and structures, land and open space are established by this ordinance. Zoning district shall also mean any section or sections of this ordinance which ZONING MAP shall mean the map or maps officially enacted by the City Council, as part of this Ordinance showing the boundaries of a zoning district or districts, a copy or copies of which, certified to have been enacted as provided by law, is filed in the office of the City Clerk, as an official record of the City.
4. Zoning District, Change of: The legislative act of removing one or more parcels of land from one zoning district and placing them in another zoning district on the zone map of the City.
5. Zoo: An area, building, or structures which contain wild animals on exhibition for public viewing.
6. Zoo Animals: Those animals that are kept in either a zoo or private zoo which are not native to Nebraska or the Great Plains region.
7. Zoo, Private: Any lot, building, structure, enclosure, or premises whereupon or wherein are kept by any person, other than a municipal corporation, the United States, the state, or any other political subdivision thereof, two or more wild animals, whether such keeping is for pleasure, profit, breeding, or exhibiting, and including places where two or more wild animals are boarded, kept for sale or kept for hire. sets forth such uniform regulations.

DEFINITIONS

3

**ARTICLE THREE
USE TYPES**

11-301 Purpose

Article Three 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 section also provides a procedure for determining the applicable use type of any activity not clearly within any defined use type.

11-302 Interpretations

- 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 Building Official of the City of Schuyler shall have the authority to interpret the provisions of this Ordinance as to appropriate type. An interpretation by the Building Official may be appealed to the Board of Adjustment in accordance with the provisions of Article Twelve. In making such interpretations, the Building Official and the Board of Adjustment shall consider the operational and physical characteristics of the use in question and 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 being exclusive lists, unless otherwise indicated.
- B. Records: The Building Official shall make all such interpretations as to appropriate use types in writing. The record of the determination shall contain a report explaining the reasons for the determination.

11-303 Agricultural Use Types

Agricultural use types include the on-site production of plant and animal products by agricultural methods.

- A. Horticulture: The growing of horticultural and floraculture 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, row crops, or 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.
- D. Livestock Sales: The use of a site for the receipt, temporary feeding and accommodation, and sale of livestock and poultry. Typical uses include stockyards and livestock sales pavilions.

11-304 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, excluding a mobile home unit.
 - 1. Single-Family Residential (Detached): A single-family residential use in which one dwelling unit is located on one lot, with no physical or structural connection to any other dwelling unit.

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2. Single-Family Residential (Attached): A single-family residential use in which one dwelling unit is located on one lot and is attached by a common vertical wall to only one other adjacent dwelling unit, located on an adjacent, legally described lot.
- B. Duplex Residential: The use of a site for two dwelling units, each occupied by one family within a single building on a single, legally-described lot, excluding a mobile home unit.
- 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.
- F. Downtown Residential: The use of the upper levels above street level of a building within the Central Business District of the City of Schuyler for single- or multiple-family residential uses.
- G. Group Residential: The use of a site for a residence by more than three unrelated persons, not defined as a family, on a weekly or longer basis.
- H. Congregate Housing: The use of a site for a residence for four or more persons 55 years or over.
- I. Mobile Home Park: Use of a site under single ownership for one or more mobile home units. In general, 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 requirements of the City of Schuyler Subdivision Ordinance for the location of mobile homes. In general, a lot within a Mobile Home Subdivision is owned by the owner of the mobile home placed upon such lot.

11-305 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 public or 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 noncommercial association, primarily for use by members and guests.
- 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. Typical uses include universities, colleges, and community colleges.
- E. Convalescent Services: A use providing bed care and in-patient 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.

USE TYPES

- F. 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.
- G. Day-Care Services (Limited): A facility, or use of a building or portion thereof, for part-time care of fewer than twelve (12) individuals. 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.
- H. Day-Care Services (General): A facility, or use of a dwelling unit or portion thereof, for part-time care of at least twelve (12) individuals. 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 and non-commercial shelters.
- I. Detention Facilities: A publicly operated or contracted use providing housing and care for individuals legally confined, designed to isolate those individuals from a surrounding community.
- J. Emergency Residential Services: A facility or use of a dwelling 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.
- K. Group Care Facility: A facility licensed or approved by the State of Nebraska or other appropriate agency, which provides for the care and short or long term overnight occupancy of more than three unrelated persons who require and receive therapy or counseling on site as part of an organized and therapeutic ongoing program for any of the purposes listed below. Such facilities shall exclude those uses defined as group homes. Group Care Facilities include facilities which provide 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 of mental retardation if such facility has an overnight occupancy of more than eight persons.
 - 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.
- L. Group Home: A facility licensed by the State of Nebraska in which at least four 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, or counseling for the purpose of adaptation to living with or rehabilitation from cerebral palsy, autism, or mental retardation.
- M. 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.
- N. Hospital: A facility providing medical, psychiatric, or surgical service for sick or injured persons primarily on an in-patient basis including emergency treatment, diagnostic services, training, administration, and services to patients, employees, or visitors.
- O. 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, contracting, or industrial activities.
- P. Non-Commercial Shelters: Facilities which are operated by non-profit organizations and which provide emergency or temporary services and accommodations for people who lack access to permanent housing. Non-commercial shelters may provide accommodations on a daytime only or overnight basis. Typical uses include urban missions and shelters for homeless people.

USE TYPES

- Q. Park and Recreation Services: Publicly-owned and operated parks, playgrounds, recreation facilities, and open spaces.
- R. Postal Facilities: Postal services, including post offices, bulk mail processing, or sorting centers operated by the United States Postal Service.
- S. Primary Educational Facilities: A public, private, or parochial school offering instruction at the elementary school level in the branches of learning and study required to be taught in the public schools of the State of Nebraska.
- T. 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.
- U. Religious Assembly: A use located in a permanent building and providing regular organized religious worship and religious education incidental thereto but excluding private primary or private secondary educational facilities, community recreational facilities, day-care facilities, and associated 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.
- V. Safety Services: Facilities for conduct of public safety and emergency services including police and fire protection services and emergency medical and ambulance services.
- W. Secondary Educational Facilities: A public, private, or parochial school offering instruction at the middle level or high school level in the branches of learning and study required to be taught in the public schools of the State of Nebraska.
- X. Utilities: Any above- or underground 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, or electronic signals.

11-306 Office Use Types

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

- A. General Offices: Use of a site for business, professional or administrative offices, excluding medical offices, banks, and financial offices. Typical uses include real estate, insurance, management, travel, or other business offices; organization and association offices; or professional offices.
- B. Medical Offices: Use of a site for facilities which provide diagnostic care; and medical, psychiatric, or surgical services for sick or injured persons exclusively on an out-patient basis, but which does not provide prolonged, in-house medical, or surgical care. Typical uses include medical offices operated by doctors, dentists, or similar practitioners licensed for practice in the State of Nebraska; public and private health clinics; and satellite emergency care facilities.
- 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.

11-307 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. Adult Entertainment as per Section 11-617
- B. Agricultural Sales and Service: Establishments or places of business engaged in sale from the premises of feed, grain, fertilizers, 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, feed and grain stores, and tree service firms.
- C. 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, light trucks and utility vehicles, 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, light trucks and utility vehicles, 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. Uses may also include the retail sale of non-automotive goods.
 - 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.
 - 6. Vehicle Storage: Long-term storage of operating or non-operating vehicles, including private parking towaways or impound yards but excluding dismantling or salvage.
- D. Bed and Breakfast: Conversion of a structure or group of structures for lodging use, providing no more than ten units and furnishing guests with breakfast and other incidental services.
- E. Building Maintenance Services: Establishments primarily engaged in the provision of maintenance and custodial services to businesses and individuals. Typical uses include janitorial, landscape maintenance, or window cleaning services.
- F. 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; or engaged in the provision of maintenance or custodial services to businesses. Typical uses

USE TYPES

include office equipment and supply firms, small business machine repair shops or hotel equipment and supply firms, janitorial services, photography studios, and convenience printing and copying.

- G. 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.
- H. Campground: Facilities providing camping or parking areas and incidental services for travelers in recreational vehicles or tents.
- I. 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 section.
- J. Commercial Recreation: Private businesses or organizations, which may or may not be commercial in nature, primarily engaged in the provision of sports, entertainment, or recreation for participants or spectators. Typical uses include driving ranges, theaters, private dance halls, or private skating facilities.
- K. 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, and film or sound recording facilities.
- L. Construction Sales and Services: Establishments or places of business primarily engaged in the retail or wholesale sale, from the premises, or 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.
- M. 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, and musical instrument repair shops.
- N. 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.
- O. Food Sales: Establishments or places of business primarily engaged in the retail sale of food or household products for home consumption. Typical uses include groceries, delicatessens, meat markets, retail bakeries, and candy shops.
 - 1. Limited Food Sales: Establishments occupying facilities of 10,000 square feet or less; and characterized by sales of specialty foods or a limited variety of general items. Typical uses include delicatessens, meat markets, retail bakeries, candy shops, and small grocery stores.
 - 2. General Food Sales: Establishments selling a wide variety of commodities, using facilities larger than 10,000 square feet. Typical uses include supermarkets.
- P. 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.
- Q. General 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:
 - 1. Household cleaning and maintenance products;

USE TYPES

2. Drugs, cards, stationery, notions, books, tobacco products, cosmetics, and specialty items;
 3. Flowers, plants, hobby materials, toys, and handcrafted items;
 4. Apparel, jewelry, fabrics and like items;
 5. Cameras, photography services, household electronic equipment, records, sporting equipment, kitchen utensils, home furnishing and appliances, art supplies and framing, arts and antiques, paint and wallpaper, hardware, carpeting and floor covering;
 6. Interior decorating services;
 7. Office supplies;
 8. Mail order or catalog sales;
 9. Bicycles;
 10. Automotive parts and accessories (excluding service and installation).
- R. Kennels: Boarding and care services for dogs, cats, and similar small animals or any premises on which four or more dogs over six months of age are kept and maintained. Typical uses include boarding kennels, pet motels, or dog training centers.
- S. 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.
- T. 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.
- U. Lodging: Lodging services involving the provision of room and/or board. Typical uses include hotels and motels.
- V. 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; or dry cleaning stations serving individuals and households, driving schools, health or physical fitness studios, reducing salons, dance studios, handicraft and hobby instruction.
- W. 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.
- X. 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.
- Y. 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 percent 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.

USE TYPES

- 2. Restaurant (General): An establishment characterized by table service to customers and/or accommodation to walk-in clientele. Typical uses include cafes, coffee shops, and restaurants.
- Z. Stables: Boarding, breeding, or raising of horses not owned by the occupants of the premises or riding of horses by other than the occupants of the premises or their non-paying guests. Typical uses include boarding stables or public stables.
- AA. Surplus Sales: Businesses engaged in the sale of used or new items, involving regular, periodic outdoor display of merchandise for sale. Typical uses include flea markets and factory outlets or discount businesses with outdoor display.
- BB. Veterinary Services: Veterinary services and hospitals for animals. Typical uses include pet clinics, dog and cat hospitals, pet cemeteries, and veterinary hospitals for livestock and large animals.
- CC.

11-308 Industrial Use Types

Industrial use types include the on-site extraction or production of goods by non-agricultural methods, and the storage and distribution of products.

- A. 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 2 horsepower, or
 - 3. A single kiln not exceeding 8 KW.

This category also includes the incidental direct sale to consumers of goods produced on site or otherwise permitted within the zoning district. Typical uses include ceramic studios, custom jewelry manufacturing, and candle making shops.
- B. Light, or Limited 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, apparel assembly from fabrics, electronics, manufacturing, print shops, and publishing houses.
- C. 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 pollution effects across property lines.
- D. Heavy Industry: Enterprises involved in the basic processing and manufacturing of products, predominately from raw materials, with noticeable noise, odor, vibration, or 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.
- E. Recycling Collection: Any site which is used in whole or part for the receiving or collection of any post-consumer, non-durable goods including, but not limited to, glass, plastic, paper, cardboard, aluminum, or tin.

USE TYPES

- F. Recycling Processing: Any site which is used for the processing of any post-consumer, non-durable goods including, but not limited to, glass, plastic, paper, cardboard, aluminum, or tin.
- G. 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, and mining.
- H. 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.
- I. Warehousing: Uses including open air storage, distribution, and handling of goods and materials. Typical uses include monument yards, grain elevators, and open storage.
- J. 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 building contractor's yards.

11-309 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. Off-Street Parking: The use of a site for parking of motor vehicles on a temporary basis within a privately or publicly owned off-street parking lot or structure, other than accessory to a principal use.
- C. Railroad Facilities: Railroad yards, equipment servicing facilities, and terminal facilities.
- D. Transportation Terminal: A facility for loading, unloading, and interchange of passengers, baggage, and incidental freight or package express, including bus terminals, railroad stations, and public transit facilities.
- E. Truck Terminal: A facility for the receipt, transfer, short term storage, and dispatching of goods transported by truck.
- F. Truck Stop: A heavy commercial use that involves providing fuel and other vehicular repair services to tractor-trailer vehicles.

11-310 Miscellaneous Use Types

- A. Telecommunication Tower: A structure for the transmission or broadcasting of radio, television, radar, or microwaves, ordinarily exceeding the maximum height permitted in its zoning district. Radio towers not exceeding 50 feet in height are excluded from this definition.
- B. Construction Batch Plant: A temporary demountable facility used for the manufacturing of concrete, asphalt, or other paving materials intended for specific construction projects.
- C. Commercial/Utility Grade Wind Energy System: Any device which converts wind energy to a form of usable energy, including wind charges, windmills, or wind turbines.
- D. 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

USE TYPES

disposal operations. Typical disposal material would include ashes, concrete, paving wastes, rock, brick, lumber, roofing materials, and ceramic tile.

- E. 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. Typical disposal material would include non-putrescible wastes and vegetation, tree parts, agricultural wastes (garbage), and manure.

4 **ARTICLE FOUR**
ZONING DISTRICT REGULATIONS

11-401 Purpose

Article Four presents the Zoning District Regulations. Zoning Districts are established in the Zoning Ordinance to promote compatible land use patterns and to establish site development regulations appropriate to the purposes and specific nature of each district.

11-402 Establishment of Districts

The following base districts and overlay districts are hereby established.

Map Code	District Name
AG	Agricultural District
RR	Rural Residential District
R-1	Single-Family Residential District
R-2	Urban Family Residential District
R-3	Multiple-Family Residential
MH	Mobile Home Park Planned District
LC	Limited Commercial and Office District
GC	General Commercial District
CBD	Central Business District
LI	Limited Industrial District
GI	General Industrial District
PUD	Planned Unit Development Overlay District
ED	Environmental Resources District
HD	Historic District

11-403 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.

The Planned Unit Development, Environmental Resources, and Historic Overlay Districts may be applied to any lot or site or any portion thereof, in addition to a base district designation.

11-404 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 Section 11-402, 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.

11-405 Development Regulations

The purposes for each Zoning District are set forth in Table 4-1. The Development Regulations for each zoning district are set forth in Tables 4-2 and 4-3. Table 4-2 presents the uses permitted in each zoning district. Table 4-3 presents the Site Development Regulations for each zoning district. Supplemental regulations for the Overlay Districts are located in Article Five. Development Regulations for Floodplains are governed by the Schuyler Municipal Code.

Supplemental Regulations may affect specific land uses or development regulations in each zoning district. Supplemental Use Regulations are located in Article Six. Supplemental Site Development Regulations are set forth in Article Seven.

11-406 Zoning Map

- A. Adoption of Zoning Map: Boundaries of zoning districts established by this Zoning Ordinance shall be shown on the Zoning Map maintained by the City Clerk. This map, together with all legends, references, symbols, boundaries, and other information, is adopted as a part of, and concurrent with this Ordinance.
- 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 Twelve. Such changes shall be reflected on the Zoning Map. The City Clerk shall keep a complete record of all changes to the Zoning Map.

11-407 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 considered 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 section.

11-408 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. The regulations applicable to the abutting properties shall also apply to the area of the vacation.

11-409 Extensions of Extra-Territorial Jurisdiction

All territory which may be annexed into the Extra-Territorial Jurisdiction of the City of Schuyler shall be in the AG Agricultural District unless otherwise zoned by the City Council on the basis of:

- A. The Comprehensive Development Plan for the City of Schuyler.
- B. The present use of the land.

ZONING DISTRICT REGULATIONS

TABLE 4-1: PURPOSES OF ZONING DISTRICTS

Symbol	Title	Purpose
AG	Agricultural District	The AG District provides for the agricultural and rural use of land, while accommodating very low density residential development in close proximity to developed urban areas. The district is designed to provide for the orderly transition of land use from agricultural to urban uses where appropriate.
RR	Rural Residential	This district provides for very low density residential environments, accommodating developments that merge urban living with rural life and institutions which require a residential environment. The district's regulations assure that density is consistent with the carrying capacity of infrastructure.
R-1	Single-Family Residential	This district is intended to provide for low-density residential neighborhoods, characterized by single-family dwellings on relatively large lots with supporting community facilities. Its regulations are intended to minimize traffic congestion and to assure that density is consistent with the carrying capacity of infrastructure.
R-2	Urban Family Residential	This district is intended to provide for medium-density residential neighborhoods, with single-family characteristics, while permitting latitude in the physical design of housing. It adapts to both established and developing neighborhoods, as well as transitional areas between single-family and multi-family neighborhoods. Its regulations are intended to minimize traffic congestion and to assure that density is consistent with the carrying capacity of infrastructure.
R-3	Multiple-Family Residential	This district is intended to provide locations for a variety of housing types, including multiple-family housing, with supporting and appropriate community facilities. The district integrates some appropriate non-residential uses in order to develop fully urban neighborhoods.
MH	Mobile Home Residential	This district is intended to provide locations for mobile homes, along with standards to assure good quality design. Standards are established for mobile home development that assure the development of good residential environments.
LC	Limited Commercial and Office	This district provides for neighborhood commercial service facilities which serve the needs of residents of surrounding residential communities, as well as office uses that are characterized by relatively low impact on surrounding areas. The commercial and office uses permitted are generally compatible with nearby residential areas. Development regulations are designed to ensure compatibility in size, scale, and landscaping with nearby residences.
GC	General Commercial	This district provides for a variety of commercial, office, and service uses and is adapted to Schuyler's major commercial districts outside of Downtown, including the Highway 30 corridor. Uses and developments in the GC District may develop substantial traffic, creating potential land use conflicts with adjacent residential neighborhoods. This district is most appropriate along arterials and highways or in areas that can be well buffered from residential districts.

ZONING DISTRICT REGULATIONS

TABLE 4-1: PURPOSES OF ZONING DISTRICTS

Symbol	Title	Purpose
CBD	Central Business District	This district is intended to provide appropriate development regulations for Downtown Schuyler. Mixed uses are encouraged within the CBD District. The grouping of uses is designed to strengthen Downtown's role as a center for trade, service, and civic life.
LI	Limited Industrial District	This 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.

ZONING DISTRICT REGULATIONS

TABLE 4-2: PERMITTED USES BY ZONING DISTRICT

Use Types	AG	RR	R-1	R-2	R-3	MH	LC	GC	CBD	LI	GI	Supplementary Regulations
Agricultural Uses												
Horticulture	P	P						P				11-602 A, 11-609
Crop Production*	*	*	*	*	*	*	*	*	*	*	*	11-602 A, See Below
Animal Production	P	S										11-602 B
Commercial Feedlots												11-602 B
Livestock Sales	S										S	
Residential Uses												
Single-Family Detached	P	P	P	P	P	P	S					11-603 A, 11-609
Single-Family Attached			S	P	P	P	S					11-603 A
Duplex				P	P	P	S					11-603 B
Two-Family			S	P	P		S					
Townhouse				S	P		S					11-603 B, 11-706 B
Multiple-Family					P		S		P			11-603 B, 11-706 B
Downtown Residential									P			11-603 D
Group Residential					P		P		P			11-605 B
Mobile Home Residential	S					S						11-604
Civic Uses												
Administration		S					P	P	P	P	P	11-705 B
Cemetery	P	P	S									
Clubs	S	S	S	S	P	S	P	P	P			11-605 A
College/University		S	S	S	P	S	P	P	P			
Convalescent Services					P		P					
Cultural Services	S	P	P	P	P	P	P	P	P	P		
Day Care (Limited)	P	P	P	P	P	P	P	P	P	S		11-605 B
Day Care (General)	S	S	S	S	P	S	P	P	P	S		11-605 B
Group Care Facility	S	S	S	S	P	S	P	P	P	S		11-605 B
Group Home	P	P	P	P	P	P	P	P	P			11-605 B
Guidance Services					P		P	P	P			11-605 B
Hospital	S				P		P	P	P			11-605 B
Library	S	S	P	P	P	P	P	P	P			
Maintenance Facilities	S	S						P		P	P	11-610 B
Park and Recreation	P	P	P	P	P	P	P	P	P	P	P	
Postal Facilities					S		P	P	P	P	P	
Primary Education	S	P	P	P	P	P	P	S	P			
Public Assembly	S						S	P	P			
Religious Assembly	S	S	P	P	P	P	P	P				
Safety Services	P	P	P	P	P	P	P	P	P	P	P	
Secondary Education	S	S	S	S	S	S	S	S	S			
Utilities	P	P	P	P	P	P	P	P	P	P	P	11-610 B, 11-705 B

* Crop production on land within the corporate limits of the City of Schuyler is governed by Section 130.27 of the Schuyler Municipal Code. In all cases, a Crop Production Permit must be obtained from the City Council.

P = Permitted Uses by Right S = Uses Permitted by Special Use Permit Blank = Uses Not Permitted

ZONING DISTRICT REGULATIONS

TABLE 4-2: PERMITTED USES BY ZONING DISTRICT

Use Types	AG	RR	R-1	R-2	R-3	MH	LC	GC	CBD	LI	GI	Supplementary Regulations
Office Uses												11-707 F
Financial Offices							P	P	P	P	P	
General Offices					S		P	P	P	P	P	
Commercial Uses												11-610 C, 11-707 F
Adult Entertainment								S			P	11-617
Agricultural Sales/Service	S							P	S	P	P	
Automotive Rental/Sales								P	P			11-606 C
Auto Services							S	P	P	P	P	11-606 A, B
Body Repair								S		P	P	11-606 A
Equipment Rental/Sales								P	S	P	P	11-606 A, C
Equipment Repair								P		P	P	11-606 B
Vehicle Storage								S		P	P	11-606 E, 11-908
Bed and Breakfast	S	S	S	S	P		P	P	P			
Business Support Services							P	P	P	P	P	
Business/Trade Schools								P	P	P		
Campground	P	S						S				11-605 D, 11-908
Cocktail Lounge								P	P			
Commercial Recreation	S							P	P	P		
Communication Services							P	P	P	P	P	
Construction Sales and Service								P	S	P	P	11-606 A, C
Consumer Services							P	P	P	P		
Convenience Storage	S							S		P	P	11-606 E
Food Sales (Limited)					S		P	P	P			
Food Sales (General)							S	P	P			
Funeral Services							P	P	P			
General Retail Services							P	P	P			
Kennels	P	S	S	S				S		P		11-606 F
Laundry Services								P	S	P	P	
Liquor Sales		S						P	P			
Lodging					S		S	P	P			
Mobile Food Vendor							P	P		P	P	11-618
Personal Improvement							P	P	P	P		
Personal Services					S		P	P	P	P	P	
Pet Services	P	S					P	P	P	P	P	11-606 F
Research Services	S						P	P	P	P	P	
Restaurants (Drive-In)							S	P		P	P	
Restaurants (General)							P	P	P	P	P	
Stables	P	S										
Surplus Sales								P	P	P	P	
Veterinary Services	S						S	P		P	S	
Gaming Facility								P	S			

P = Permitted Uses by Right

S = Uses Permitted by Special Use Permit

Blank = Uses Not Permitted

ZONING DISTRICT REGULATIONS

TABLE 4-2: PERMITTED USES BY ZONING DISTRICT

Use Types	AG	RR	R-1	R-2	R-3	MH	LC	GC	CBD	LI	GI	Supplementary Regulations
Industrial Uses												11-610 D
Custom Manufacturing								P	P	P	P	
Light Industry								S	P	P	P	
General Industry										P	P	
Heavy Industry											P	
Resource Extraction	S										P	11-607 C
Salvage Services											P	11-607 D
Warehousing									S	P	P	11-607 A, 11-908
Construction Yards										P	P	
Recycling Collection							S	P		P	P	11-607 A
Recycling Processing										P	P	11-607 B
Transportation Uses												
Aviation	P										S	
Off-Street Parking		S	S	S	S		S	P	P	P	P	11-901 to 11-908
Railroad Facilities	S								S	P	P	
Transportation Terminal	S							S	P	P		
Truck Stop										P	P	
Truck Terminal										S	P	
Miscellaneous Uses												
Telecommunication Tower	S									S	S	11-612 F.3
Construction Batch Plant	P									S	P	
Small Wind Energy Systems	P	S	S	S	S	S	S	S		P	P	
Commercial/Utility Grade Wind Energy Sys.	S											11-614 D.2; 11-615 F.4
Landfill (Non-Putrescible)	S										S	11-608
Landfill (Putrescible)	S											11-608

P = Permitted Uses by Right

S = Uses Permitted by Special Use Permit

Blank = Uses Not Permitted

ZONING DISTRICT REGULATIONS

TABLE 4-3: SUMMARY OF SITE DEVELOPMENT REGULATIONS

Regulator (See Notes Below)*	AG	RR	R-1	R-2	R-3	MH	LC*	GC*	CBD	LI*	GI*
Minimum Lot Area (Square Feet)	10 Acres	1 Acre	7,200	(3)*	(5)*	4 Acres	5,000	5,000	None	5,000	10,000
Minimum Lot Width (Feet)	300	100	75	60 (4)*	60 (4)*	200	50	50	None	50	100
Site Area Per Unit (Square Feet)	10 Acres	1 Acre	7,200	(3)*	3,000 (5)*	6,000	3,000 (7)*	N/A	500	N/A	N/A
Minimum Yards (Feet)											
Front Yard	50	30	25	25	25	25	20	25	0	15	15
Street Side Yard	30	25	20	20	15	25	15	10	0	10	10
Interior Side Yard	25	15	5 (2)*	5 (2)*	5-15 (2,6)*	25	10	0	0	0	0
Rear Yard	35	30	30	30	30	25	15	20	0	10	10
Maximum Height (Feet)	(1)*	36	36	36	45	36	35	50	No Limit	35	(8)*
Maximum Building Coverage	N/A	N/A	40%	45%	50%	N/A	50%	70%	100%	70%	85%
Maximum Impervious Coverage	N/A	N/A (9)*	50% (9)*	55% (9)*	60% (9)*	55%	70%	90%	100%	90%	100%
Floor Area Ratio	N/A	N/A	N/A	N/A	1.00	N/A	0.50	1.0	5.0	1.0	2.0

* Uses in the LC, GC, LI, and GI Districts are subject to landscape and screening provisions contained in Article 8. These provisions require minimum buffer yards between these districts and adjacent residential districts.

Notes (for numbers in parentheses):

- (1): 36 feet for principal buildings, 100 feet for agricultural accessory buildings.
- (2): See Section 11-603 for supplemental regulations governing single-family attached and townhouse residential use types.
- (3): 6,000 square feet for a single-family residential detached; 3,600 square feet for single-family residential attached (allowing for a maximum of two units with 7,200 square feet required); 7,200 square feet for a duplex and 2-family residence; 3, 500 square feet for Townhouse (defined as 3 or more units) with townhouse subject to a special use permit for R- 2.
- (4): 60 feet minimum' lot width for a single-family residential detached, duplex and a two-family residence; 35 foot minimum lot width for single-family residential attached (allowing for a maximum of 2 units requiring minimum of 70 feet required); see Section 11- 603 for supplemental regulations regarding modifications of lot width for townhouse residential use type (defined as three or more units).
- (5): 6,000 square feet for a single-family residential detached; 3,600 square feet for a single-family residential attached (allowing for a maximum of two units with 7,200 square feet required); 7,200 square feet for a duplex and 2-family residence; 3,000 square feet for townhouse (defined as 3 or more units) for R-3; multiple family 3,000 square feet; density of townhouse and multi-family residential may be reduced below minimum requirement subject to approval of a special use permit by the City Council with the recommendation of the Planning Commission.
- (6): Interior side yard is equal to five feet for each story of height.
- (7): When permitted, residential lot area and site area per unit requirements are same as those for the R-3 District.

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- (8): No limit, except 45 feet when within 200 feet of a pre-existing Residential zoning district.
- (9): For a parking facility which is not part of the primary use tract or contiguous to a tract of land involving the primary use, the maximum impervious coverage for parking facilities may not exceed 75%.

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**ARTICLE FIVE
OVERLAY DISTRICTS**

11-501 General Purpose

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 Schuyler.

The Overlay Districts are designed to achieve the following objectives:

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

PUD PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT

11-502 Purpose

The PUD Planned Unit Development Overlay District is intended to permit flexibility in the design of planned projects; to encourage innovation and variety in project design, layout, and type of structures; to achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities; to encourage the preservation and utilization of open space; and to provide improved housing, employment, and shopping opportunities that are tailored to the needs of an area. 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, assures specific development standards for each designated project.

11-503 Permitted Uses

- A. Uses permitted in a PUD Overlay District are those permitted in the underlying base district.
- B. The uses permitted by the base district may be modified or expanded as part of the approval process of the Planned Unit Development. Such expansion may include a mixing of use types that would not otherwise be permitted within the base district.

11-504 Site Development Regulations

Site Development Regulations are developed individually for each Planned Unit Development Overlay District but must comply with 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 or floor area ratios allowed for each base district is not exceeded.
- B. Minimum perimeter setbacks and maximum height limits shall be those of the underlying base district.
- C. Maximum building coverage shall be the smaller of the allowed building coverage in the base district, or 60 percent.
- D. Maximum impervious coverage shall be the smaller of the allowed impervious coverage in the base district, or 70 percent.

11-505 Other Applicable Regulations

- A. Parking: Minimum parking requirements for a Planned Unit Development shall be computed on the basis of parking requirements and design standards established in Article Nine.
- B. Landscaping and Screening: Landscaping and screening requirements shall apply as set forth in each base district by Article Eight.

11-506 Access to Public Streets and Internal Circulation

- A. Each PUD District must abut a public street for at least 50 feet and gain access from that street.
- B. Each Planned Unit Development shall provide a circulation system adequate to accommodate vehicular and pedestrian movement through the project.

11-507 Application Process

Development Plan: The application for a Planned Unit Development Overlay District shall include a Development Plan containing the following information:

- A. A tract map, showing site boundaries, street lines, lot lines, easements, and proposed dedications or vacations.
- B. A land use plan designating specific uses for the site and establishing site development regulations, including setbacks, height, building coverage, impervious coverage, density, and floor area ratio requirements.
- C. 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.
- D. A circulation plan, including location of existing and proposed vehicular and pedestrian, facilities and location, and general design of parking and loading facilities.
- E. Schematic architectural plans and elevations sufficient to indicate a building height, bulk, materials, and general architectural design.

11-508 Adoption of District

- A. The Planning Commission and City Council shall review and evaluate each Planned Unit Development application to assure that the land use or activity proposed through a PUD shall be compatible with adjacent uses of land, the capacities of public services and utilities affected by such PUD; and to ensure that the approval of such PUD is consistent with the public health, safety, and general welfare of the city and is in accordance with the Comprehensive Development Plan for the City of Schuyler. 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 Commission, after proper notice, shall hold a public hearing and act upon each application. Notice of the public hearing shall be provided by following the procedures set forth in Section 11-1205.E.
- C. The 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.

OVERLAY DISTRICTS

- 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. Notice of the public hearing shall be provided by following the procedures set forth in Section 1304.E.
- F. 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.

11-509 Amendment Procedure

Major amendments to the Development Plan must be approved according to the same procedure set forth in Article 11-517.

11-510 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.

11-511 Termination of PUD District

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

ED ENVIRONMENTAL RESOURCES DISTRICT

11-512 Purpose

The ED Environmental Resources Overlay District enables the adoption of special performance standards in combination with site development regulations of a base district for areas of special environmental significance or sensitivity. These areas include hill environments; wetlands; forested areas; areas with unique soil or drainage characteristics; lake, river, or creek districts; and other areas with special environmental characteristics.

11-513 Procedure for Adoption

- A. Proposal: The creation of an ED Environmental Resources Overlay District may be initiated by the Planning Commission or the City Council.
- B. Requirements for Application: An application for the creation of an ED Overlay District must include:
 - 1. A statement describing the proposed district's special environmental characteristics and stating the reasons for proposal of the district.
 - 2. A map indicating the boundaries of the proposed ED Overlay District, specifying the base district(s) included within these boundaries.
 - 3. Supplemental site development regulations and performance standards that apply to the proposed district.

OVERLAY DISTRICTS

11-514 Adoption of District

- A. The Planning Commission and City Council shall review and evaluate each ED 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 ED 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 ED Environmental Resources Overlay District.
- F. The Ordinance adopting the ED 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 ED Overlay District shall require a favorable vote of 75 percent 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 ED Overlay District shall be shown on the Zoning Map, identified sequentially by order of enactment and referenced to the enacting Ordinance.
- I. Any protest against an ED Overlay District shall be made and filed as provided by Section 14-405, Revised Statutes of Nebraska, 1943, and amendments thereto.

11-515 Building Permits

Building or other development permits issued by the City in an ED District shall be consistent with the adopted ED District Ordinance.

HD HISTORIC DISTRICT

11-516 Purpose

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

11-517 Procedure for Adoption

- A. Proposal: The creation of an HD Historic Overlay District may be initiated by the Planning Board; the City Council; or by petition of the owner or owners of 51 percent 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.

OVERLAY DISTRICTS

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.

11-518 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 Historic 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 HD Overlay District shall require a favorable vote of 75 percent 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.
- I. Any protest against an HD Overlay District shall be made and filed as provided by Section 14-405, Revised Statutes of Nebraska, 1943, and amendments thereto.

11-519 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 SIX
SUPPLEMENTAL USE REGULATIONS**

11-601 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 Four of this Ordinance.

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.

11-602 Supplemental Use Regulations: Agricultural Uses

- 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 30-foot landscaped bufferyard, consistent with the standards established in Article Eight.
 - 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 roadway.
 - c. A roadside stand may operate for a maximum of 180 days in any one year.
- B. Commercial Feedlot:
 - 1. Location:
 - a. No commercial feedlot facility shall be permitted within the zoning jurisdiction of the City of Schuyler.
 - b. Expansion of any existing commercial feedlot use within the extra-territorial jurisdiction of the City of Schuyler shall be subject to approval of a Special Use Permit, as set forth in Section 11-1203.

SUPPLEMENTAL USE REGULATIONS

- c. No commercial feedlot use shall be located within 500 feet of the property lines of the parcel on which it is located. A commercial feedlot use that has been continuously in existence since the date of the adoption of this Ordinance and that is located within 500 feet of the property lines of the parcel on which it is located may perform additions, alterations, or enlargements if otherwise allowed by these regulations within the setback area so long as such additions, alterations, or enlargements do not increase the degree of nonconformity as to this setback requirement.
2. Operation:
 - a. No livestock wastes shall be retained on-site for more than 120 days. Livestock wastes within a confinement area shall be removed or disposed of by spraying or spreading on land promptly followed by discing or plowing; grinding or dehydrating in properly designed dehydrators; or stockpiling in a compost plant located at least one mile from any residential zoning district. Any waste control facility shall be located at least 1,000 feet from a municipal water supply and at least 100 feet from any domestic water well.
 - b. Insect and rodent control measures must be instituted for confined areas by removal or disposal of manure; or by other accepted insect and rodent control measures.
3. Drainage:
 - a. All ground surfaces within confinement areas shall be graded and compacted to insure proper drainage.
 - b. Surface runoff from confinement areas shall be controlled so that no appreciable amount of soil and livestock waste is carried into any roadway ditch, drainage area, or other low-lying area.
 - c. Water shall not be discharged or directed from the commercial feedlot site onto neighboring properties, except in the event of a storm with a 4 percent probability of occurrence within a 24-hour period, corresponding to a rainfall event with a probable recurrence of one in 25 years.
4. Pollution Control: A confined area shall not produce a measurable increase in pollution in any public water-based recreational facility, in any public water supply, or in any waterway that is part of a public or private water supply.
5. Odor Control: The odor intensity of a feedlot, measured at any property line, shall not exceed 10 DT (dilutions to threshold) for more than five days within any 12-month period.
6. General Standards and Application Requirements:
 - a. Removal or disposal of livestock wastes, drainage, pollution control, and other aspects of a commercial feedlot operation shall comply with the regulations and standards of the Nebraska Department of Environmental Quality for feedlots.
 - b. In addition to other requirements, all applications for Special Use Permits for the establishment of a commercial feedlot use shall include: certifications of plan review and approval by the Nebraska Department of Environmental Quality; a site plan showing the location and maximum area of the confinement area; and a detailed description of operations, including maximum number and type of livestock to be confined, livestock waste removal or disposal plans, drainage plans, and pollution control measures.

11-603 Supplemental Use Regulations: Residential Uses

- A. All Residential Uses:
 - 1. No new residential use, other than the residence of the owner, operator, or employee of a commercial feedlot facility, shall be constructed within 1,320 feet of an existing commercial feedlot facility.
 - 2. Construction of a residential storage garage may be permitted only on the same lot as the principal residence, or on an adjacent residentially zoned lot of record under common ownership with the lot of the principal residence.

- B. Single-Family Attached: Where 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 site area per unit shall be the larger of the requirements set forth in Table 4-3 or 2,500 square feet in all districts where permitted.
 - 2. The minimum width for any townhouse lot sold individually shall be 25 feet.
 - 3. Coverage percentages are computed for the site of the entire townhouse common development.

- D. Residential Uses in the CBD District: Residential uses are permitted in the CBD 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 of a special use permit by the City Council.

- E. Mobile Homes in the AG District: A mobile home may be located on a parcel within the AG district, subject to approval of a Special Use Permit, if such mobile home is located at least 1,000 feet from any other existing residence and if the parcel accommodating the mobile home is at least 40 acres.

- F. Mobile Home Parks: Mobile home parks may be allowed in the MH Zoning District, subject to approval of a Special Use Permit and compliance with the following regulations:
 - 1. Mobile Home Parks 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 required of all mobile home parks.
 - 2. Minimum Area: The contiguous area of a mobile home park shall be no less than four acres.
 - 3. Density Requirements:
 - a. The minimum gross site area per dwelling unit shall be 6,000 square feet.
 - b. The minimum size of an individual mobile home space shall be 4,000 square feet.
 - c. Each mobile home space shall be at least 50 feet wide and clearly defined or delineated.

SUPPLEMENTAL USE REGULATIONS

4. Site Development Standards:
 - a. Setbacks: Each mobile home park shall have a minimum perimeter setback of 35 feet from adjacent properties or public rights-of-way. 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.
 - c. Impervious Coverage: Impervious coverage for a mobile home park shall not exceed 50 percent of the total site area.
 - d. 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 20 feet.
 - e. 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 ten 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. Each mobile home park shall also be located within 800 feet of a paved collector or arterial street as designated in the Comprehensive Development Plan of the City of Schuyler.
 - 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 ten 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 surfaced with concrete to city standards. 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.

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6. Storm Shelters: Storm shelters shall be provided for all mobile home parks and mobile home subdivisions in conformance with the following requirements:
 - a. Shelters shall be located no more than 600 feet from any mobile home or other dwelling unit and/or occupied area served and on the same property.
 - b. Shelters shall provide 16.5 square feet of floor area per unit.
 - c. A sidewalk system shall be installed which connects all mobile homes or other dwelling units to the storm shelter.
 - d. Shelters shall be designed to withstand a wind speed of 200 miles per hour and in accordance with the technical guidelines recommended by the U.S. Federal Emergency Management Agency.

7. Electrical Distribution System: Each mobile home park shall contain an electrical distribution system which shall be installed and maintained in accordance with applicable codes and regulations governing such systems.
 - a. Power Distribution Lines:
 - (1) Main power lines located underground shall be buried at least 18 inches below the ground surface, and there shall be a minimum horizontal clearance of three feet between overhead wiring and any mobile home, service building, or other structure.
 - (2) All direct burial conductors shall be buried at least 18 inches below the ground surface and shall be insulated and specially designed for the purpose. Such conductors shall be located at least one-foot radial distance from water, sewer, gas, or communications lines.
 - b. Individual Electrical Connections:
 - (1) Each mobile home shall be provided with an approved disconnecting device and over-current protective equipment, with a minimum service per outlet of 12/240 volts AC, 100 amperes.
 - (2) Outlets shall be housed in a weatherproof outlet box and shall be housed within 20 feet from the over-current protective device in the mobile home. A three-pole, four-wire grounding type shall be used.
 - (3) Receptacles, if provided, shall be in accordance with American Standard Outlet Receptacle C-73.1 or Mobile Home Standards P-1004-C Hp 13-6 assy.
 - (4) Connectors, if not substituted by more than one receptacle, shall be provided where the calculated load of the mobile home is more than 50 amperes.
 - c. Required Grounding: All exposed non-current carrying metal parts of mobile homes and all other equipment shall be grounded by means of an approved grounding conductor or other approved methods of ground metallic wiring. The neutral conductor shall not be used as an equipment ground for mobile homes or other equipment.

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8. **Water Supply:** An adequate supply of pure water for drinking and domestic purposes shall be supplied by pipes to all buildings, if provided, and mobile home spaces within the park to meet the requirements of the park. Each mobile home space shall be provided with a cold water tap that be can protected from freezing.
9. **Service Buildings:**
 - a. Service buildings, if provided, housing sanitation facilities shall be permanent structures complying with all applicable ordinances and statutes regulating buildings, electrical installations, and plumbing and sanitation systems.
 - b. All service buildings and the grounds of the park shall be maintained in clean sightly condition and kept free of any condition that will menace the health of any occupant or the public or constitute a nuisance.
10. **Sewage and Refuse Disposal:**
 - a. Each mobile home space shall be provided with a sewer at least four inches in diameter which shall be connected to receive the waste from the shower, bathtub, flush toilet, lavatory, kitchen sink and other appliances which discharge sewage of the mobile home harbored in such space and having any or all of such facilities.
 - b. The sewer in each space shall be connected to discharge the mobile home waste into a public sewer system in compliance with applicable ordinances or into a private sewer system and disposal plant or septic tank system of such construction and in such manner as will present no health hazard.
11. **Garbage Receptacles and Refuse Handling:**
 - a. The storage, collection, and disposal of refuse in the mobile home park shall be so conducted as to not create or foster health hazards, rodents, insect breeding, accidents, fire hazards, or air pollution.
 - b. All refuse shall be stored in containers impermeable to flies, rodents, animals, and water, and which shall be located not more than 150 feet from any mobile home lot. Containers shall be provided in sufficient number and capacity to properly store all refuse.
 - c. Refuse collection stands shall be provided for all refuse containers. Such container stands shall be so designed as to prevent spillage and container deterioration and to facilitate cleaning around them.
 - d. All refuse containing garbage shall be collected at least one time weekly. Where suitable collection service is not available from municipal or private agencies, the mobile home park operator shall provide this service. All refuse shall be collected and transported in covered vehicles or containers.
 - e. Where municipal or private disposal service is not available, the mobile home park operators shall dispose of the refuse by transporting to a disposal site approved by the health authorities.
 - f. The use of incinerators is hereby prohibited.

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12. Fire and Wind Protection:
- a. Every park shall be equipped at all times with fire extinguishing equipment in good working order, or such type, size, and number and so located within the park as to satisfy applicable reasonable regulations of the fire department. No open fires shall be permitted at any time.
 - b. All trailer homes located in mobile home parks subject to this Ordinance shall be skirted with a suitable material and anchored to the ground in such a manner as to provide maximum safety and security from damage. Said skirting and anchoring shall be inspected and approved by the City Building Inspector, and no mobile home shall be occupied until said inspection and approval is made and granted.
13. Supervision:
- a. The permittee, or a duly-authorized attendant or caretaker, shall be in charge at all times to keep the mobile home park, its facilities, and equipment in a clean, orderly, and sanitary condition. The attendant or caretaker shall be answerable, with the permittee, for the violation of any provision of this Ordinance to which the license or permittee is subject.
 - b. The park occupant shall not allow or permit any unlicensed or inoperable automobile or parts of any automobile to remain on his lot but shall remove such automobiles or parts from the mobile home park as soon as possible.
 - c. Pets, if permitted in the park, shall not be permitted to run at large or commit any nuisance within the limit of any mobile home lot.
 - d. The park occupant shall not keep any animals on his lot or within his mobile home other than common household pets and shall not breed or raise any animals for sale or market.
14. Required Recreation Areas:
- a. In all parks accommodating or designed to accommodate 15 or more mobile homes, there shall be one or more recreation areas which shall be easily accessible to all park residents.
 - b. The size of such recreation areas shall be based upon a minimum of 400 square feet for each lot. No outdoor recreation area shall contain less than 6,000 square feet.
 - c. Recreation areas shall be so located as to be free of traffic hazards and should, where topography permits, be centrally located.
15. Pad Requirements: Pads shall be composed of a flexible surface with a minimum of five-inch thick gravel, stone, or compacted surface, treated to discourage plant growth, constructed to discharge water, and edged to prohibit fraying or spreading of surfacing materials; or shall be a hard surface or slabs capable of carrying the weight and of sufficient length to support all blocking points of the mobile home.
16. Posting of Permit: The permit shall be conspicuously posted in the office or on the premises of the mobile park at all times.

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17. Occupancy: No mobile home park shall be occupied or otherwise used until the Building Official has found the same to be in compliance with the Special Use Permit approved by the City Council and all other applicable laws, regulations, and requirements.
18. Completion Schedule: Construction must begin on any approved mobile home park within one year of the date of approval by the City Council. Such construction shall be completed within two years of approval, unless otherwise extended by the City Council.

G. Mobile Home Subdivisions:

1. Mobile home subdivisions shall be subject to the following regulations:
 - a. Each mobile home subdivision shall be subject to the site development regulations of the underlying base district and the Subdivision Regulations of the City of Schuyler.
 - b. Each mobile home subdivision shall have a minimum site area of four acres. Each mobile home shall be considered a single-family detached structure for the purpose of determining applicable development regulations.
 - c. Permanent and continuous maintenance of all common facilities by the lot owners shall be incorporated in covenants and restrictions governing the subdivided property, and shall receive the approval of the City Attorney before recording with the Colfax County Register of Deeds.
 - d. Mobile home subdivisions shall provide storm shelters required by Article 11-603.C.
2. Mobile home units within mobile home subdivisions shall have:
 - a. A floor area of at least 800 square feet.
 - b. A minimum exterior width of 18 feet.
 - c. A pitched roof with a minimum pitch of 2.5 inches in 12 inches.
 - d. A nonreflective exterior siding material which is or simulates wood, stucco, or masonry.
 - e. A nonreflective roof material which is or simulates asphalt or wood shingles, tile, or rock.
 - f. Permanent connections to permanently located utilities complying with the Schuyler Plumbing and Electrical Codes.
 - g. A certificate stating the mobile home's construction complies with the U.S. Department of Housing and Urban Development's mobile home construction and safety standards.
3. Mobile home units within mobile home subdivisions shall comply with the following additional regulations:
 - a. The longest exterior dimension of the mobile home shall be less than three times the narrowest exterior dimension.
 - b. The towing bar and hitch of the mobile home, wheels and tires, and axles shall be removed.
 - c. Each mobile home shall be securely and permanently attached to a permanent foundation complying with the Schuyler Building Code.

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- d. The exterior siding of the mobile homes shall extend to the ground, and shall be supported to withstand wind loads as set forth in the Schuyler Building Code, or the foundations shall form a complete enclosure under the exterior walls. The space beneath the mobile home shall be properly ventilated.
 - e. The placement of the mobile home shall be inspected, and shall comply with all applicable codes, ordinances, and design standards before the mobile home is occupied. Single-family and duplex residential use types complying with the Schuyler Building Code and the underlying zoning regulations may be permitted within the mobile home subdivision special use permit area.
- H. Mobile Homes - Prohibition of Non-Residential Uses: Except as specifically provided herein, no mobile home unit may be used in any zoning district for a non-residential purpose, other than home occupations as permitted by Article 11-608.

11-604 (Paragraph Not Used)

11-605 Supplemental Use Regulations: Civic Uses

- A. Clubs: Clubs located adjacent to residential uses shall maintain a bufferyard of not less than 15 feet along the common boundary with such residential use.
- B. Group Care Facilities and Group Homes: Each group care facility or group home must be validly licensed by either the State of Nebraska or the appropriate governmental subdivision.
- C. Religious Assembly uses in Residential Districts shall be designed to not allow noise, amplified voice or music, or other sounds that exceed the ambient neighborhood noise levels at the uses property line.

11-606 Supplemental Use Regulations: Commercial Uses

- A. Auto Repair, Equipment Repair, and Body Repair:
 - 1. All repair activities must take place within a completely enclosed building, or, if completed outside, the repair work must be done within two weeks of its placement outside.
 - 2. Any spray painting must take place within structures designed for that purpose and approved by the Nebraska State Fire Marshal.
- B. Auto Washing Facilities:
 - 1. Each automatic or conveyor-operated auto washing facility shall provide stacking capacity for four automobiles per washing lane on the approach side of the washing structure and stacking space for two automobiles on the exit side.
 - 2. Each self-service auto washing facility shall provide stacking space for two automobiles per bay on the approach side and one space per bay on the exit side of the building.
 - 3. Stacking spaces may not be located within a required front yard.
- C. Automobile and Equipment Rental and Sales:
 - 1. All outdoor display areas for rental and sales facilities shall be paved with asphalt or concrete. Areas that were lawfully established before the effective date of this Ordinance are exempt from this requirement.

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2. Body repair services are permitted as an accessory use to automobile rental and sales facilities, provided that such repair services shall not exceed 20 percent of the gross floor area of the building. All repair activities must take place within a completely enclosed building.
- D. Campgrounds:
1. Minimum Size: Each campground established after the effective date of this Ordinance shall have a minimum size of one acre.
 2. Minimum Area per Campsite: Each individual campsite shall contain at least 1,000 square feet. The campsite shall be so designed that the required 1,000 square feet can be enclosed within a rectangle of which one side shall not exceed three times any other side.
 3. Setbacks: All campgrounds shall maintain a 100-foot front yard setback and a 50-foot setback from all other property lines.
 4. Access:
 - a. The access to public roads and highways shall be paved or surfaced in a similar manner to the adjacent public roads, and shall be approved by the City.
 - b. Access roads shall be provided to each campsite and all access roads shall have a minimum unobstructed width of 14 feet for all one-way roads, and 20 feet for all two-way roads.
 5. Utilities: Each campground must maintain water supply, sewage disposal, and washing and toilet facilities in compliance with all City ordinances.
 6. The layout of campgrounds shall minimize the destruction or alteration of natural vegetation or topography.
 7. No campground may be occupied by the same person or persons for more than 30 days in any one calendar year.
 8. No mobile home shall be located in a campground.
 9. All special use permits issued under this section are temporary and valid only during the period that the campground and associated facilities comply with the provisions of this title and all other applicable ordinances and regulations.
 10. All campground operators shall keep accurate records as to the length of time a person stays in the campground and shall make such records available to any City official upon request.
- E. Convenience Storage: Convenience storage facilities shall be subject to the following requirements:
1. Activities within the facility shall be limited to the rental of storage cubicles and the administration and maintenance of the facility.
 2. All driveways for ingress and egress from a public street to the facility as well as all drives immediately adjacent to the storage facility doorways, shall provide a paved, and/or graded gravel/rock surface sufficient to accommodate the uses of the facility, and regularly maintained for both appearance and function. Drives shall be paved to the City Right of Way, from the back of curb, at a minimum.
 3. All storage must be within enclosed buildings, except as provided in Section 11-610(D)(2) and shall not include the storage of hazardous materials.

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F. Kennels:

1. When permitted in an AG Agricultural District located more than one mile from the city limits of the City of Schuyler, kennels shall be subject to the following additional requirements:
 - a. Unless the establishment and runs are completely enclosed in a building, the lot upon which dogs are harbored or kept shall have a minimum area of 1,000 square feet for each dog over the age of one year maintained on the property. The number of dogs maintained on any such lot shall not exceed 50.
2. When permitted in an AG Agricultural District located within one mile of the city limits of the City of Schuyler, kennels shall be subject to the following additional requirements:
 - a. Any building, runs, fences, or other structure relating to the facility shall be set back at least 25 feet from any property line.
 - b. Unless the establishment and runs are completely enclosed in a building, the lot upon which dogs are harbored or kept shall have a minimum area of 1,500 square feet for each dog over the age of one year maintained on the property. The number of dogs maintained on any such lot shall not exceed 50.
3. When permitted in the GC District, kennels shall be subject to the following additional requirements:
 - a. The establishment and runs shall be within a completely enclosed building.
 - b. The sound emitted through the walls or roofs of any building harboring animals shall not exceed 45 dbA.
 - c. Any building, fences, or other structures relating to the facility shall be set back at least 25 feet from any property line.

G. Adult Entertainment as per Section 11.617.

11-607 Supplemental Use Regulations: Industrial Uses

- A. Recycling Collection: When permitted, recycling collection shall be subject to the following additional requirements:
1. All business and processes of the facility shall be carried out within a completely enclosed structure, unless otherwise provided in this section.
 2. The total building area of a recycling collection facility shall be between 500 square feet and 10,000 square feet, provided that it does not use external storage within an outside enclosed trailer. If recyclable materials are stored within such a trailer, the total building area shall be between 500 square feet and 2,500 square feet.
 3. Any building shall be located a minimum of 150 feet from the boundary of any residential zoning district.
 4. All materials must be stored within a completely enclosed structure. Recyclable materials may be stored within an outside enclosed trailer under the following conditions:
 - a. The trailer shall be operable.

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- b. The trailer must be set back at least 40 feet from a common lot line with any residential zoning district.
 - c. The opening of the trailer must not face any residential zoning district.
 - d. Trailer storage shall be limited to one vehicle with a maximum area of 320 square feet.
 5. No storage of recyclable materials in excess of one month is allowed.
 6. No power-operated, heavy equipment may be used except for the purpose of loading recyclable materials.
 7. The facility shall be maintained in compliance with all applicable health and fire codes.
- B. Recycling Processing: When permitted, recycling processing shall be subject to the following additional requirements:
 1. All processing shall take place inside an enclosed building unless a Conditional/Special Use Permit has been approved by the Schuyler City Council. The total building area of a recycling processing facility shall be at least 500 square feet.
 2. Any building or outside storage area shall be located a minimum of 300 feet from the boundary of any residential zoning district.
 3. Outdoor storage is permitted for recycling processing facilities, subject to the following conditions:
 - a. All such storage shall be screened in accordance with the provisions of Article Eight.
 - b. Outdoor storage of recyclable materials must be located at least 300 feet from any property line adjacent to the rights-of-way of: 16th Street; Colfax Avenue; and any present or designated future alignments of U.S. Highway 30 or Nebraska Highway 15; unless such storage is completely obstructed from view of these highways by topography or land forms.
 - c. Outdoor storage shall not be located in a required front yard setback.
 4. All materials must be stored within a completely enclosed structure. Recyclable materials may be stored within an outside enclosed trailer under the following conditions:
 - a. The trailer is operable.
 - b. The trailer must be set back at least 40 feet from a common lot line with any residential zoning district.
 - c. The opening of the trailer must not face any residential zoning district.
 5. The facility shall be maintained in compliance with all applicable health and fire codes.
 6. Criteria for evaluating outdoor Recycling Processing facilities permitted via a Conditional/Special Use Permit shall include the following standards to be met unless there are greater standards required by federal and state agencies:
 - a. All facilities with outdoor operations shall be outside the Corporate Limits of the city or greater than 600 feet from all property lines and public right of ways.

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- b. The premises shall be developed and maintained in accordance with the site plan and made part of the permit. Such site plan shall include screening, landscaping, areas of operation, structures, parking and drives. Any modifications must be submitted to the city for approval.
- c. All equipment and structures shall comply with the maximum height standard of Zoning District.
- d. All storage, vehicles, buildings and equipment associated with use shall be located on designated property with the area designated on the site plan.
- e. An Operations and Maintenance Plan that identifies conformance to all performance standards outlined within this Section of the Zoning Ordinance shall be provided to the city and attached to the permit.
- f. An Operation and Maintenance Plan shall be provided to the city and attached to the permit which addresses the following items:
 - (1) Operations: Hours and days of the week of operation.
 - (2) Vehicle trips: Anticipated on-site employees and the daily number of trucks entering or leaving the site.
 - (3) Fire hazard: No operation shall involve the use of highly flammable gasses, acid, liquids, grinding processes, or other inherent fire hazards. This provision shall not be construed to prohibit the use of normal heating fuels, motor fuels and welding gasses when handled in accordance with other regulations of the city.
 - (4) Noise: No operations shall be carried on which involves noise in excess of the normal traffic noise of the adjacent street at the time of the daily peak hour of traffic volume or in excess of eighty (80) decibels, whichever is greater. Noise shall be measured at the property line and when the level of such noise cannot be determined by observation with the natural senses, a suitable instrument may be used, and measurement may include breakdowns into a reasonable number of frequency ranges.
 - (5) Exterior Lighting: Exterior lighting when used, shall enhance the building design and the adjoining landscape. Building fixtures shall be of a design and size compatible with the building and adjacent areas. Lighting shall be restrained in design and excessive brightness avoided. Lighting shall be designed to a standard that does not impact adjoining properties, especially residential areas and public right -of-ways.
 - (6) Sewage and Liquid Wastes: no operation shall be carried on which involves the discharge of waste into a storm sewer, water course or the ground; nor should any liquid waste of any radioactive or poisonous nature or chemical waste which are detrimental to normal sewage plant operation or corrosive and damaging to sewer pipes and installations be dumped into wastewater sewerage.
 - (7) Air Contaminants:
 - a) Air Contaminants and smoke shall be less dark than designated Number One on the Ringleman Chart as published by the United States Bureau of Mines, except that smoke of a density designated as Number One shall be

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permitted for one four-minute period in each one-half hour. Light colored contaminants of such a capacity as to obscure an observer's view to a degree equal to or greater than the aforesaid shall not be permitted.

b) Particulate matter of dust as measured at the point of emission by any generally accepted method shall not be emitted in excess of two tenths (0.2) grains per cubic foot as corrected to a temperature of 500 degrees Fahrenheit, except for a period of four minutes in any one-half hour, at which time it may equal but not exceed six tenths (0.6) grains per cubic foot as corrected to a temperature of 500 degrees Fahrenheit.

c) Due to the fact that the possibilities of air contamination cannot reasonably be comprehensively covered in this section, there shall be applied the general rule that there shall not be discharged from any sources whatsoever such quantities of air contaminants or other material in such quantity as to cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public in general; or to endanger the comfort, repose, health, or safety of any such considerable number of persons or to the public in general, or to cause, or have a natural tendency to cause injury or damage to business, vegetation or property.

- (8) Odor: The emission of odors that are generally agreed to be obnoxious to any considerable number of persons, shall be prohibited. Observations of odor shall be made at the property line of the establishment causing the odor. As a guide to classification of odor it shall be deemed that strong odors of putrefaction and fermentation tend to be obnoxious and that such odors as associated with baking or roasting of nuts and coffee shall not normally be considered obnoxious within the meaning of this ordinance.
- (9) Gasses: The gasses sulphur dioxide and hydrogen sulphide shall not exceed five parts per million, carbon monoxide shall not exceed five parts per million. All measurements shall be taken at the zoning lot line.
- (10) Vibration: All machines including punch presses and stamping machines shall be so mounted as to minimize vibration and in no case shall such vibration exceed a displacement of three thousandths (0.003) of an inch measured at the zoning lot line. The use of steam or broad hammers shall not be permitted in this zone.
- (11) Glare and heat: All glare, such as welding arcs and open furnaces shall be shielded so that they shall not be visible from the zoning lot line. No heat from furnaces or processing equipment shall be sensed at the zoning lot line to the extent of raising the temperature of air or materials more than five degrees Fahrenheit.

C. 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.

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4. Elimination of Hazards: Excavation shall not result in a hazard to any person or property. The following measures are required:
 - a. Restoration of slopes to a gradient not exceeding 33 percent as soon as possible.
 - b. Installation of perimeter safety screening.
 - c. Installation of visual screening adjacent to any property within a residential district.
 5. 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.
- D. Salvage Services:
1. Minimum Size: The minimum size of any salvage services facility shall be two acres. An expansion of existing salvage services facility may be less than two acres if:
 - a. The expansion is adjacent to the existing facility.
 - b. The existing facility is currently ten acres or larger.
 2. Screening: The perimeter of each facility shall be fully enclosed by opaque, freestanding fencing or screen walls. Minimum height of this enclosure shall be eight feet. Any such enclosure shall be constructed behind required landscaped bufferyards.
 3. No salvage services use may be established within 1,000 feet of the nearest property line of a residential zoning district.
 4. No salvage services use may be established within 500 feet of any right-of-way line of 16th Street, Colfax Avenue, or any present or designated future alignment of Nebraska Highway 15 or U.S. Highway 30.

11-608 Supplemental Use Regulations: Miscellaneous Uses

- A. 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 Schuyler. 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 500 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.

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5. Restoration of Site: The site of any landfill must be restored, stabilized, planted, and seeded within 12 months after the end of the operation. Dissipation of waste products must be accomplished in a manner approved by the State of Nebraska's 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 Schuyler and its extra-territorial jurisdiction.

11-609 Supplemental Use Regulations: Accessory Uses

- A. Home Occupations: Home occupations are permitted as an accessory use in residential units subject to the following conditions:
 1. External Effects: No noise, odors, bright lights, storage, or other external effects attributable to a home occupation shall be noticeable from adjacent property or public right-of-way.
 2. Employees: A home occupation shall not employ more than one individual other than the residents of the dwelling unit.
 3. Service Traffic: Deliveries or service by commercial vehicles or trucks over ten tons is prohibited.
 4. The following businesses shall not be permitted as home occupations: antique sales, funeral services, retail sales of groceries, retail sales of used merchandise, lodging other than bed and breakfasts, equipment rental, medical offices, welding, vehicle body repair, mechanical repair, or rebuilding or dismantling of vehicles.
 5. Parking needs generated by a home occupation shall not be provided within a required front yard.
 6. Signage for a home occupation shall comply with the sign regulations for the zoning district containing the home occupation.
- 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 and not for commercial or other uses not allowed by this section 11-609, subject to the following limitations:
 - a. Accessory buildings on a lot under one acre in size devoted to single family or to two-family use in R-1 and R-2 districts of the City of Schuyler, Nebraska, which are not attached to the principal building, shall in aggregate occupy no more than 30% of the rear yard and shall in aggregate be no larger than 1,000 square feet in area. However, this restriction shall not be interpreted to prohibit the construction of an accessory building having an aggregate area of not more than 576 square feet on a minimum rear yard.
 - b. Accessory buildings on a lot one acre or larger in size devoted to single family or to two-family use in R-1 and R-2 districts of the City of Schuyler, Nebraska, which are not attached to the principal building, shall in aggregate occupy no more than 30% of the rear yard and shall in aggregate be no larger than 1,500 square feet in area. However, this restriction shall not be interpreted to prohibit the construction of an accessory building having an aggregate area of not more than 576 square feet on a minimum rear yard.

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- c. Maximum height of accessory buildings shall be 17 feet.
 - d. Accessory buildings not attached to the principal building are only allowed in rear yard.
 2. Accessory Buildings and Garages, Setbacks and setback flexibility as follows, to-wit:
 - a. Interior Side Yards: An accessory building, which includes detached garages, may be located a minimum of three feet from the side lot line of the property if it is located a minimum of 6 feet behind the rear building line of the principal building in a direction to the rear property line. Maximum height of accessory buildings, including detached garages, shall be 17 feet.
 - b. Front Yards: No accessory building may be located between the front building line of the principal building and front property line.
 - c. Rear Yard: The minimum rear yard setback for accessory buildings, including garages shall be 5 feet. Further, the sum of the width of the alley and the rear yard setback shall be at least 20 feet if the accessory building is a garage with a vehicular entrance door that is directly oriented toward an alley. Double-frontage lots shall require front-yard setbacks along both street frontages as required by the individual zoning district. Easements may be incorporated into these required setbacks. No accessory building, including garages, shall be located within any easement or right-of-way along the rear property line.
 - d. Street Yards: Accessory buildings, excluding detached garages, must be set back at least 20 feet from any street right-of-way property line.
 - e. Additional Garage Street Yard Setbacks: Any detached garage that fronts on a public street must be set back at least 15 feet from such street right-of-way property line, regardless of the setback requirement within the zoning district. This shall not be interpreted to waive a larger required minimum setback required by the zoning district.
3. Recreational activities and uses by residents, excluding the housing of horses.
4. Home occupations, subject to Section 11-608A of these regulations.
5. Residential convenience services for multiple-family uses or mobile home parks for use by residents only.
6. Crafts and garage sales, provided that such sales on any single property occur no more than once every 60 days; and have a maximum duration of three days.

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- C. 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 in dedicated paved areas.
 2. Manufacturing or fabrication of products made for sale in a principal commercial use, provided that 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.
- D. Permitted Accessory Uses - Agricultural Use Types:
1. Garden centers and roadside stands.
 2. Other uses and activities necessarily and customarily associated with the purpose and functions of agricultural uses.
- E. Permitted Accessory Uses – Carports
- A building permit shall be required for the construction of a carport. Carports may be allowed in designated zoning districts provided the following criteria be met:
1. Structures shall be permanently attached to concrete foundations, pilings, and or slabs.
 2. Carport shall not be allowed to have more than two sides covered with a siding material.
 3. Siding material shall match the style of the primary structure on the lot.
 4. Roof material shall not be made of canvas, tarp or cloth.

11-610 Supplemental Use Regulations: Outdoor Storage

Outdoor storage is prohibited in all zoning districts except the GI 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: Outdoor storage is permitted only where incidental to agricultural sales and service; auto rentals and sales; auto repair; body repair, construction sales; equipment sales and service; and surplus sales.
- D. Industrial and Miscellaneous Use Types:
1. Outdoor storage is not permitted for the Limited Industry use type within the CBD Central Business District zoning district.
 2. Outdoor storage is permitted only where it is incidental to: Limited industry outside of the CBD Central Business District, general industry, heavy industry, recycling processing, resource extraction, salvage services, warehousing, construction yards, and convenience storage facilities for larger items such as boats, trailers and recreational vehicles. Any such outdoor storage is subject to screening requirements set forth in Article Eight.

3. Outdoor storage is permitted where incidental to landfills.

11-611 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 sections:
 1. Model homes, real estate sales offices, or model apartments, if contained within the development to which they pertain.
 2. Public assemblies and exhibits.
 3. 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 CBD, GC, LI, or GI zoning district.
 4. Outdoor art shows and exhibits.
 5. Christmas tree or other holiday-related merchandise sales lots, provided that such facilities are not located in a residential zoning district.
 6. Construction site offices, if located on the construction site itself.
 7. 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.
 8. Construction Batch Plants, provided that:
 - a. No plant may be located within 500 feet of a developed residential use, park, or school. No plant shall be located within 1,000 feet of the corporate limits of the City of Schuyler.
 - b. The construction batch plant shall operate during daylight hours only. The Planning Commission may, at its discretion, grant a conditional extension to these hours.
 - c. The duration of the plant's operation does not exceed 180 days in one calendar year.
- 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 City Clerk 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 City Clerk 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.

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2. The City Clerk 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 City Clerk may be appealed to the Board of Adjustment.

11-612 Supplemental Use Regulations: Automotive Sales/Motor Vehicle Dealer's Permit Required

A. Automotive Sales Permit Required

No person shall engage in the business of selling or dealing in motor vehicles in the City of Schuyler, Nebraska, and the extraterritorial zoning jurisdiction of the City of Schuyler, Nebraska, without first obtaining a permit, which permit for the purposes of identification shall be known and described as a motor vehicle dealer's permit. A person who operates more than one motor vehicle sales lot/business within the City or its two-mile extraterritorial jurisdiction shall have in effect a separate permit for each lot and/or business if such lots and/or businesses are located more than 275 feet from each other.

B. Application and Definitions

These Supplemental Use Regulations for Automotive Sales shall govern the following motor vehicle sale arrangements and apply to the following individuals, corporations or companies; and the following words, terms and phrases, when used in this Section 11-612, shall have the meanings and definitions ascribed to them in this section, except where the context clearly indicates a different meaning:

AUTOMOTIVE AND/OR MOTOR VEHICLES SALES shall both be defined to include the sale or rental of automobiles, light trucks, utility vehicles, all-terrain vehicles, motorcycles, motor homes, recreation vehicles, boats or trailers.

MOTOR VEHICLE DEALER shall mean (1) any person, corporation or company engaged in the business of selling or exchanging new or used motor vehicles (as defined above in Section 11-612.B.1.) and trailers; and (2) any person, corporation or company who sells, barter, trades, leases or exchanges with someone other than a Motor Vehicle Dealer, three or more new or used motor vehicles (as defined above in Section 11-612.B.1.) in any one calendar year shall be deemed to be a Motor Vehicle Dealer and shall be subject to the provisions of this Section 11-612.

SELLING ON CONSIGNMENT, the provisions of this Section 11-612, shall also apply to any person, corporation or company accepting, one or more, used motor vehicles (as defined above in Section 11-612.B.1.) for sale on consignment. As used in this section, "consignment" means accepting possession Without purchasing, with the objective of selling and receiving a commission or percentage when the sale is made. Each person accepting motor vehicles for sale on consignment shall keep accurate records of the names, addresses and descriptions of persons placing cars for sale on consignment. Such records shall be kept for each motor vehicle for at least one year after the motor vehicle is sold or withdrawn from sale.

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OTHER VEHICLE SALE ARRANGEMENTS, the provisions of this Section 11-612, shall apply to all real estate, and the owners thereof, within the City of Schuyler and the two mile extraterritorial zoning area of the City of Schuyler, Nebraska, involving the displaying of one or more motor vehicles under other arrangements, such as rental of spaces in a lot to display motor vehicles for sale or allowing the display of one or more motor vehicles for sale by persons or businesses other than the owner of the subject real estate.

Nothing in this Section 11-612 shall apply to the state or any of its agencies or subdivisions. No insurance company, finance company, public utility company, farm implement business/dealer, auctioneer business, fleet owner or other person coming into possession of any motor vehicle, motorcycle or trailer, as an incident to its regular business, who shall sell or exchange such motor vehicle, motorcycle or trailer shall be considered a motor vehicle dealer and shall not be considered as being required to comply with this Section 11-612, motor vehicle sales provisions.

- C. Application of Permit: Any person desiring to engage in the business of selling or dealing in motor vehicles as provided in this Section 11-612, shall make application to the city clerk in writing for a permit. This application shall set forth in full the name and the residence of such applicant if an individual or partnership, or if a corporation or LLC, with full name of the corporation/LLC and the location and address of such corporation/LLC, the names of the principal officers of such corporation/LLC, and in all cases, the location where it is desired to locate or maintain and operate a new or used motor vehicle sales lot. After the filing of the application, the application shall be referred to the code official and/or building inspector, for investigation; and upon the investigation and the report of the code official and/or building inspector, which report shall be filed with the city clerk, who shall refer the application and report to the city council. The city council shall determine if a permit shall be issued to the applicant, within 30 days of receipt.
- D. Permit Not Transferable: No permit issued under this shall be transferred or assigned or used by any other person other than the one to whom it is issued, or at any location other than the one for which it is issued.
- E. Plan: Each application for a permit required by this article shall be accompanied by a site plan showing the size and location of all buildings and structures to be located upon the sales lot, type of lot surface and the location of all signs, lighting devices, utilities, driveways, easements and off-street parking.
- F. Lot Surface: Except as provided for grandfathered rights under Schuyler Zoning Code Section 11-606 C. 1, each sales lot approved under this article shall have a surface that is covered with concrete, asphalt or similar paving, and in compliance with the City of Schuyler Zoning Ordinance; and such sales lot shall at all times be kept clean and free from weeds, rubbish and debris.
- G. Sales Office: Each lot approved under this article shall have a sales office located on the premises which is built and constructed according to the applicable city building codes.
- H. Sanitary Requirements: No premises shall be operated as a motor vehicle sales lot unless they are equipped with adequate toilet and other sanitary facilities to serve the employees and customers. All such sanitary facilities shall be properly connected with the sanitary sewer system of the city if the premises are located adjacent to a street served by such sewer.
- I. Driveways: Each motor vehicle sales lot shall have adequate access to adjoining streets. No driveway to a motor vehicle sales lot shall be constructed except in full compliance with the ordinances relative to the installation of driveways; and it shall be the duty of the permittee of each such motor vehicle sales lot to maintain the sidewalk and parkway over which such driveway passes in good condition.
- J. Drainage: All such motor vehicle sales lots shall be constructed in such a manner as to adequately drain storm water from the surface of the lot to the adjoining street and storm sewer system of the city, or appropriate drainage ditch/system outside city limits.

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- K. Off-street Parking: Each approved motor vehicle sales lot shall provide off-street parking in accordance with the terms and conditions of the applicable ordinances of the city.
- L. Signs: All signs or other forms of advertising on premises approved under this article must be in full compliance with the applicable city ordinances.
- M. Lights: All approved motor vehicle sales lots shall be kept adequately lighted at nighttime, but such lights must be so shaded or otherwise regulated so as to prevent them from shining upon any adjacent premises, and comply with all applicable city ordinances.
- N. Parking of Vehicles: No motor vehicle offered for sale or parked upon an approved motor vehicle sales lot shall be parked or displayed beyond the property line of the sales lot. For sales lots in the GC district, no motor vehicle offered for sale or parked shall be located within two feet of the sidewalk, or carriage walk around the motor vehicles parked around the perimeter of the sales lots (not applicable to the CBD district).
- O. Demolishing and Wrecking of Motor Vehicles: There shall be no demolishing, dismantling, wrecking or junking of motor vehicles upon an approved motor vehicle sales lot.
- P. Regulatory Compliance: All approved motor vehicle sales lots shall be in full compliance with all State of Nebraska regulatory requirements and permits, and also with all City of Schuyler requirements, including zoning regulations, including but not limited to buffer yard, landscape setback requirements and site plan/traffic flow requirements.
- Q. Repairs: There shall be no repairs made to any motor vehicle upon any approved motor vehicle sales lot, except minor repairs; provided that any approved motor vehicle sales lot that has enclosed garage or other building may make major repairs in such fully enclosed garage or building, and comply with all applicable city ordinances.
- R. Condition of vehicles: It shall be unlawful to park or store on any approved motor vehicle sales lot any motor vehicle that is not in a condition ready for use, or to permit the parking of any abandoned, junked or partially disabled vehicle on any such lot.
- S. Inspections: It shall be the duty of the City of Schuyler code official and/or building inspector to make inspections for the purpose of seeing that the provisions of this Section 11-612 are complied with by all permittees.
- T. Revocation and suspension of permit: When the code official and/or building inspector determines that the public interest so requires, the city clerk, upon receiving the report of the code official and/or building inspector, shall revoke or suspend any permit issued under this Section 11-612 when he/she finds, after due investigation, that:
1. The permittee or any agent or officer of the permittee who takes part in the operation of the approved business has failed to comply with this Section 11-612 or any provision of law applicable to the premises, equipment or operation of the approved business;
 2. The permittee, or any officer, agent or employee of the permittee, in the course of the approved business, has mutilated or altered the engine or serial number of any motor vehicle; has made wrongful use of any motor vehicle entrusted to the permittee; has victimized, injured or abused any member of the public in a manner amounting to a crime (other than a minor traffic violation); or has endangered the life or safety of any person willfully or through gross negligence;

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3. The permittee, or any officer, agent or employee of the permittee, in the course of the approved business, has been found guilty of defrauding any person financially concerned with payment for goods or services of the permittee;
 4. The permittee has obtained his permit through any fraud or misstatement;
 5. The approved business is being conducted in a manner detrimental to the health, safety or general welfare of the public; is a nuisance; is being operated in any unlawful manner; or is no longer being operated.
- U. Hearing on granting, denial, renewal or revocation of permit.
1. Any person aggrieved by an order of the code official and/or building inspector, city clerk or city council granting, denying, renewing or revoking a permit for a proposed or existing business or activity subject to the provisions of this article, may file a request for a hearing before the city council within ten days after issuance of such order. The city council shall give notice of a public hearing upon this request to be held in not less than 15 days after service of the notice on the person requesting the hearing. The city council shall also give notice of the hearing to other persons directly interested in the order in question. At such hearing, the city council shall determine whether the granting, denial, renewal or revocation of the permit was in accordance with the provisions of this Section 11-612 and shall issue a findings of fact, conclusions of law, and an order to carry out its findings and conclusions. These findings of fact, conclusions of law and order shall be filed with the city clerk and served by the city clerk upon all parties appearing or represented at the hearing.
 2. The city attorney shall furnish such assistance and advice to the city council as the city council shall request.
- V. Permit; time: The permit required by this article shall remain in effect for such time as the permittee remains in full compliance with all requirements contained in this Code as it relates to motor vehicle sales. If the permittee does not actively engage in the business of selling or dealing in motor vehicles upon the permitted premises for a period in excess of 60 days, the permit shall be automatically revoked. A permit is revoked in accordance with this section, no new motor vehicle sales permit shall be issued until such time as the premises is properly rezoned to GC (General Commercial) or CBD (Central Business District).
- W. Records: Any person engaged in the business of dealing in used motor vehicles shall keep a record of all motor vehicles offered for sale, exchange or disposal to the public, which record shall show the make of the motor vehicle, the year of its manufacture, its serial number and the vehicle identification number, which record shall always be kept available for the chief of police, any patrolman, police officer or code enforcement official within the city and opened to their inspection at any time. It shall be the further duty of every such person dealing in used motor vehicles to immediately report to the chief of police the presence in his place of business of any motor vehicle on which the serial or engine number has been defaced or altered.
- X. Location of sales lots: No premises shall be operated as a motor vehicle sales lot unless it is located within a GC or CBD district as defined in the City of Schuyler Municipal and Zoning Code.
- Y. Parking on private property: It shall be unlawful to park any motor vehicle on any private property without the consent of the owner of the property. In the event the identity of the driver of such is unknown, the owner or person in whose name such vehicle is registered or, if not registered, the last title owner, shall be prima facie deemed to be in violation hereof. In addition to the penalties as provided in Subsection (Z) of

this Section 11-612, the law enforcement authority shall have the power to tow the motor vehicle so parked on private property without the consent of the owner of the property to an appropriate storage site at the expense of the owner of the motor vehicle.

- Z. Penalty. Any person who violates the provisions of this Section 11-612 shall, upon conviction, be punished pursuant to the penalty provisions in Section 11-1214. With regard to Subparagraph (Y) of this Section 11-612, the appropriate law enforcement authority shall also have the power to tow the motor vehicle located on private property without the consent of the owner of the property to an appropriate storage site at the expense of the owner of the motor vehicle.

11-613 Supplemental Use Regulations: Telecommunication Towers

A. Purpose of Provisions

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

B. Tower Siting

1. It is the policy of the City of Schuyler to follow its adopted comprehensive plan with regard to community growth for both residential and commercial areas. All applicants shall provide impartial third-party documentation that demonstrates that the proposed telecommunication tower location will not interfere or inhibit any potential growth of such areas as proposed in the City's comprehensive plan and such documentation must be dated within 90 days of the date of the special use permit application.
2. It is the policy of the City of Schuyler to encourage co-location of new telecommunication facilities and antennas with existing towers or as part of suitable existing structures. All special use permit applications for the approval of a new telecommunication tower or facility location shall include documentation that all potential alternatives for location on existing towers, structures or facilities within the City of Schuyler zoning jurisdiction have been explored and such sites cannot be obtained by purchase, lease or other appropriate acquisition for the applicant's intended use or that such site is not eligible for the Applicant's intended use. Such documentation or evidence shall be dated within 90 days of the date of the special use permit application and shall include an affidavit attesting to the fact that the Applicant has made diligent, but unsuccessful efforts to obtain permission to install or co-locate the Applicant's telecommunication facilities on an existing tower, usable antenna or support structure within the City of Schuyler, Nebraska zoning jurisdiction. Names, addresses and telephone numbers of existing telecommunication tower owners within the City of Schuyler corporate limits and two-

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mile zoning jurisdiction shall be provided as part of the special use permit application. Applicants may not be denied space on existing telecommunication tower within the City of Schuyler, Nebraska and its zoning jurisdiction, unless mechanical, structural, regulatory factors or other legitimate business expansion plans prohibit such co-location.

3. All special use permit applications for approval of a new telecommunication tower location within the corporate limits of the City of Schuyler, Nebraska or within 1,000 feet of the city corporate limits of the City of Schuyler, Nebraska shall also include documentation that all potential real estate alternatives for location within 1,000 feet of all such existing towers that are either located within the city corporate limits of the City of Schuyler, Nebraska, or within 1,000 feet of the city corporate limits of the City of Schuyler, Nebraska, have been explored and that such sites cannot be obtained by purchase, lease or other appropriate acquisition for the Applicant's intended use. Such documentation or evidence shall be dated within 90 days of the date of the special use permit application, and shall include an affidavit attesting to the fact that the Applicant has made diligent, but unsuccessful efforts to obtain by purchase, lease or other appropriate acquisition any such real estate sites for the Applicant's intended use within 1,000 feet of existing telecommunication towers that are within the city corporate limits of the City of Schuyler, Nebraska, or are within 1,000 feet of the city corporate limits of the City of Schuyler, Nebraska. The names, addresses and telephone numbers of all real estate property owners within 1,000 feet of existing towers within the City of Schuyler, Nebraska and existing towers within 1,000 feet of the city corporate limits of the City of Schuyler, Nebraska shall be provided with such affidavit verifying such property owners will not allow the Applicant to obtain by purchase, lease or other appropriate acquisition such site for the Applicant's intended use.
4. The applicant for a telecommunication tower location shall provide documentation or evidence as part of its application that the tower must be located on the proposed site in order to satisfy its function in the company's system and such evidence or documentation shall be dated within 90 days of the date of the special use permit application. The applicant must also provide evidence or documentation that the proposed height is the minimum height necessary for the successful functioning of the proposed tower.

C. Tower Setbacks, Design, and Height

1. Free-standing towers shall be located so that the distance from the base of the tower to any adjoining property line or the supporting structure of a separate neighboring tower is a minimum of 110% of the tower height. The Planning Commission may recommend and the City Council approve a reduction to the set back with a Special Use Permit if they determine that such a reduction does not constitute a hazard to safety or property on adjacent properties or rights-of-way.
2. The tower installation shall be designed to be aesthetically and architecturally compatible with the built environment of the City of Schuyler. Applicant shall make efforts to hide towers or restrict their visibility from public right-of-way or neighboring properties. Applicable landscaping and screening shall apply. Associated support buildings shall be designed with materials that are consistent with those in the surrounding neighborhood.
3. No telecommunication towers and facilities within the City of Schuyler, Nebraska, city corporate limits as well as within the two-mile zoning jurisdiction around the City of Schuyler, Nebraska, corporate limits shall be located within 1,000 feet of the U.S. Highway 30 right-of-way nor shall they be located within 1,000 feet of Nebraska State Highway 15 right-of-way systems.
4. All tower installations shall maintain landscaped peripheral yards with a minimum depth of 35 feet from surrounding property lines. One tree shall be planted for every 500 square feet of required peripheral yard area. This provision shall replace and supersede the landscaping regulations in conflict herewith.

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5. As part of the Special Use Permit approval process, the City Council may permit the tower to exceed the height restrictions otherwise allowable in the district.
6. Towers shall have a color generally matching the surroundings or background that minimizes their visibility, unless a different color is required by the Federal Communications Commission (FCC) of Federal Aviation Administration (FAA).
7. Lights, Signals and Signs: No signals, lights or signs shall be permitted on towers unless required by the FCC or the FAA. Should lighting be required, at the time of construction of the tower in cases where there are residential users located within a distance which is 300% of the height of the tower from the tower, then dual mode lighting shall be requested from the FAA. Strobe lighting shall only be permitted during daylight hours. Lighting on towers shall not exceed the minimum requirements of the FAA or other regulatory agencies.
8. Adequate security measures are required at the base of the tower to prevent vandalism or hazards resulting from casual access to the facility.
9. A secure chain link fence with a minimum of six foot and maximum of 10 foot in height, with a locking gate, shall be placed around any telecommunication tower base.

D. City Site Selection Criteria in Evaluating Application for Telecommunication Towers

1. Consistent with the policy of this Ordinance, the telecommunication company proposing to construct an antenna support structure, or mount an antenna on an existing structure, shall demonstrate, using technological evidence, that the antenna must go where it is proposed in order to satisfy its function in the company's grid system. Further the company must demonstrate by technological evidence that the height requested is the minimum height necessary. Such demonstrations shall include documentation or evidence dated within 90 days from the date of the special use permit application.
2. Applicants for necessary permits will only be processed when the applicant demonstrates that it is either an FCC licensed telecommunication provider or has in place necessary agreements with an FCC licensed telecommunication provider for use or lease of the support structure.
3. Personal wireless service facilities should be located and designed to minimize any impacts on residential property values. Sites should be placed in locations where the existing topography, vegetation, buildings or other structures provide the greatest amount of screening.
4. Location and design of sites in all Districts should consider the impact of the site on the surrounding neighborhood and the visual impact within the zone district.

E. Priorities for Siting

The following establishes the order of priorities for locating new telecommunication towers or structures and applicant shall provide documentation/evidence of each priority being pursued and exhausted and such documentation/evidence shall be dated within 90 days from the date of the special use permit application.

1. Public property, (excluding prairie, conservation or wildlife areas, or historic structures).
2. Appropriate existing structures, such as buildings, towers, water towers, grain elevators/silos and smokestacks in other zoned districts.
3. Areas within 1,000 feet of existing telecommunication towers or structures, which towers or structures are within the corporate City limits of the City of Schuyler, Nebraska, or within 1,000 feet of the corporate limits of the City of Schuyler, Nebraska.

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4. Areas as described in the comprehensive plan of the City of Schuyler that do not restrict, interfere or inhibit growth of residential and commercial areas of the City.
 5. Properties that have been designated to be included in the flood plain.
 6. LI or GI districts that do not adjoin or adversely impact residential neighborhoods.
 7. AG Districts which are not located within the City of Schuyler corporate limits or within 1,000 feet of the City of Schuyler corporate limits and which districts do not adjoin or adversely impact residential neighborhoods.
- F. Special Use Permit Application Form, Non-refundable Fees and Deposit.
1. Applicant shall prepare and submit the special use permit application form which is specific to telecommunication towers and facilities and pay the appropriate fee and deposit.
 2. In the event the application involves a co-location on an existing tower or structure, the fee shall be a non-refundable amount of \$1,500.00. If the application involves a new tower or structure/facility, the fee is non-refundable and the amount shall be \$2,500. These fees shall be payable to the City Clerk of the City of Schuyler, Nebraska, with the application.
 3. In addition to the special use permit application fee, the Applicant shall also be required to pay a deposit in the amount of \$7,500 to the City Clerk of the City of Schuyler, Nebraska. Said amount shall be used by the City to allow the City to retain consultants in behalf of the City of Schuyler, Nebraska; in the event the zoning administrator believes a pre-application meeting to address issues will help expedite the review and permitting process, a pre-application meeting shall also include a site visit and the costs to the City consultants, engineers and attorney to prepare and attend the pre-application meeting shall be paid through this deposit; the City's consultants/experts will invoice the City for its services related to the application. The deposit may be requested by the Zoning Administrator prior to the pre-application meeting. If at any time during the process the amount for said application has a balance less than \$2,500.00, the applicant shall immediately, upon notification by the City, replenish said amount so that it has a balance of at least \$5,000.00. Such additional funds shall be deposited with the City before any further action or consideration is taken on the application. In the event that amount held in said account by the City is more than the amount of the actual invoicing at the conclusion of the project, the remaining balance shall, upon request of the Applicant, be promptly refunded to the Applicant. The Applicant fees and deposits as provided herein may be modified by the governing body of the City of Schuyler, Nebraska, by resolution.
- G. Structural Standards for Towers Adopted
- The Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, 1991 Edition (ANSI/EIA/TIA 222-E-1991) is hereby adopted, together with any amendments thereto as may be made from time to time, except such portions as are hereinafter deleted, modified, or amended by Ordinance and set forth in these Zoning Regulations.
- H. Maintenance, Repair or Modification of Existing Towers
- All towers constructed or under construction on the date of approval of this regulation may continue in existence as a non-conforming structure and may be maintained or repaired without complying with any of the requirements of this Section. Non-conforming structures or uses may not be enlarged or the degree of nonconformance increased without complying with this Section, including applying for and obtaining a Tower Development Permit. Any modification or reconstruction of a tower constructed or under construction on the date of approval of this regulation shall be required to comply with the requirements of this Section including applying for and obtaining a Tower Development Permit. Said application shall describe and specify all items which do not comply with this Section and may request subject to final

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review and approval of the City Council, an exemption from compliance as a condition of the Tower Development Permit.

I. Inspections

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

J. Maintenance

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

K. Abandonment

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

11-614 Supplemental Use Regulations: Small Wind Energy Systems

A. Purpose

It is the purpose of this regulation to promote the safe, effective and efficient use of small wind energy systems installed to reduce the on-site consumption of utility supplied electricity.

B. Definitions

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

SMALL WIND ENERGY SYSTEM shall mean a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kW and which is intended to primarily reduce on-site consumption of utility power. Systems shall not exceed 50 feet in total height.

TOWER shall mean the vertical structures that support the electrical equipment or rotor blades.

TOWER HEIGHT shall mean the height above grade of the first fixed portion of the tower, excluding the wind turbine itself.

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TOTAL HEIGHT shall mean the highest point, above ground level, reached by a rotor tip or any other part of the Wind Energy Conversion System.

FALL ZONE shall mean the area, defined as the furthest distance from the tower base, in which a tower will collapse in the event of a structural failure.

FEEDER LINE shall mean any power line that carries electrical power from one or more wind turbines or individual transformers associated with individual wind turbines to the point of interconnection with the project distribution system, in the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substation serving the wind energy conversion system.

ROTOR DIAMETER shall mean the diameter of the circle described by the moving rotor blades.

TRANSMISSION LINE shall mean the electrical power lines that carry voltages of at least 69,000 volts (69 kV) and are primarily used to carry electric energy over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers.

WIND ENERGY CONSERVATION SYSTEMS (WECS) shall mean an electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to: power lines, transformers, and substations that operate by converting the kinetic energy of wind into electrical energy of blowing wind into electrical energy. The energy may be used on-site or distributed into the electrical grid.

WIND TURBINES shall mean any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy using airfoils or similar devices to capture wind.

C. Exemptions

Small wind energy systems shall be permitted as an exception within the Agricultural Districts. Zoning Permits are required.

D. REQUIREMENTS: Small wind energy systems shall be permitted as an Accessory Use only within any district where the use is listed and allowed. Certain requirements as set forth below shall be met:

1. Tower: The tower and foundation must be approved by a certified Engineer competent in disciplines of Wind Energy Conversion Systems.
2. Tower Height:
 - a. For property sizes between ½ acre and one acre the tower height shall be limited to 80 feet.
 - b. For property sizes of one acre or more, there is no limitation on tower height, except as imposed by FAA regulations.
 - c. The height shall be determined by the fall zone requirement and shall not exceed one hundred (100) feet. FAA approval is required.
3. Noise/Sound
 - a. Small wind energy systems shall not exceed 60 dBA, as measured at the closest neighboring inhabited dwelling unit. An Acoustical Analysis that certifies that the noise requirements within the regulation can be met shall be provided prior to issuance of a permit.

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- b. The noise level may be exceeded during short term events such as utility outages and/or severe wind storms.

- 4. Approved Wind Turbines: Small wind turbines must have been approved under the Emerging Technologies program of the California Energy Commission or any other small wind certification program recognized by the American Wind Energy Association.

- 5. Compliance with Building and Zoning Codes
 - a. Applications for small wind energy systems shall be accomplished by standard drawings of the wind turbine structure, including the tower base, and footings.
 - b. An engineering analysis of the tower showing compliance with official building code of the governing body and/or the State of Nebraska and certified by a licensed professional engineer shall also be submitted.
 - c. Wet stamps shall not be required.

- 6. Compliance with FAA Regulations: Small wind energy systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.

- 7. Compliance with National Electrical Code: Permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code. The manufacturer frequently supplies this analysis. The manufacturer frequently supplies this analysis.

- 8. Utility Notification
 - a. No small wind energy system shall be installed until evidence has been given that the City Utility Department, has been informed of the applicants intent to install an interconnected customer-owned generator and written confirmations signed by the head of the City Utility Department or their designee shall be included with the application for permit verifying that the City Utility Department has reviewed the plans of the proposed system and has found that the installation of the proposed system will not be detrimental to or interfere with the normal operation of the City's electrical system.
 - b. Off-grid systems shall be exempt from this requirement.
 - c. Emergency contact information shall be posted at the entry to the property and filed with the fire department, police, and sheriff.
 - d. Clearance of rotor blades or airfoils must maintain a minimum of 12 feet of clearance between their lowest point and the ground.

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

	Wind Turbine – Non- Commercial WECS	Meteorological Towers
Property Lines	One times the total height	One times the tower height.
Neighboring Dwelling Units*		One times the tower height.
Road Rights-of-Way**	One times the tower height.	One times the tower height.
Other Rights-of-Way	One times the tower height.	One times the tower height.
Wildlife Management Areas and State	NA	600 feet

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Recreational Areas		
Wetlands, USFW Types III, IV, and V	NA	600 feet
Other structures adjacent to the applicant's sites	NA	One times the tower height.
Other existing WECS not owned by the applicant.	NA	NA
River Bluffs	NA	NA

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

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

10. Tower Setbacks: No part of the wind system structure, including guy-wire anchors for meteorological towers, may extend closer than 10 feet to the property lines of the installation site. Setback shall be the "Total Height" plus ten (10) feet.
11. Aesthetics: Free Standing Towers for small wind energy systems shall be freestanding towers without guyed wires.
12. Multiple Towers: Multiple towers will be considered based on these same regulations.
13. Abandonment: The owner of an inoperable turbine for a period of twelve (12) months will be notified by the zoning administration that they have six (6) months from the notice date to restore their small wind energy system to operating condition. If the tower is not in operating condition after that time, the owner of the tower will then have ninety (90) days to have it removed. If the owner fails to remove the wind tower within the allowable time, the City will have it removed at the owner's expense and a lien for removal expenses and associated costs will be filed against the property on which the small wind energy systems is located.
14. Application minimum requirements:
 - a. Legal Description and address of project site.
 - b. Tower Type, height, rotor diameter, and total height of wind turbine and means of interconnecting with the feeder lines.
 - c. Site layout, including the location of property lines, wind turbine, electrical grid, and all related accessory structures. This site layout shall include distance and be drawn to scale.
 - d. Certification from Engineer competent in disciplines of WECS.
 - e. Documentation of land ownership or legal control of property.
 - f. The latitude and longitude of wind turbine.
 - g. Location of any wetland, scenic, and natural acres within 1000 feet.
 - h. An Acoustical Analysis certifying that the noise requirements within the regulations can be met.
 - i. Evidence that there will be no interference with any commercial or public safety communication towers.

- j. All approved wind turbines are to be completed within two (2) years of the date of approval.

11-615 Supplemental Use Regulations: Commercial/Utility Grade Wind Energy Systems

A. Purpose

It is the purpose of this regulation to promote the safe, effective and efficient use of commercial/utility grade wind energy conversion systems within the zoning jurisdiction of the City of Schuyler.

B. Definitions

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

AGGREGATE PROJECT shall mean projects that are developed and operated in a coordinated fashion, but which have multiple entities separately owning one or more of the individual WECS within the larger project. Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity but are also part of the aggregated project.

COMMERCIAL WECS shall mean a wind energy conversion system of equal to or greater than 100 kW in total name plate generating capacity.

HUB HEIGHT shall mean the distance from ground level as measured to the centerline of the rotor.

FALL ZONE shall mean the area, defined as the furthest distance from the tower base, in which a guyed or tubular tower will collapse in the event of a structural failure. This area may be less than the total height of the structure.

FEEDER LINE shall mean any power line that carries electrical power from one or more wind turbines to the point of interconnection with the project distribution system, in the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substation serving the wind energy conversion system.

METEOROLOGICAL TOWER shall mean, for purposes of this regulation, a tower which is erected primarily to measure wind speed and directions plus other data relevant to siting a Wind Energy Conversion System. Meteorological towers do not include towers and equipment used by airports, the Nebraska Department of Roads, or other applications to monitor weather conditions.

PROPERTY LINE shall mean the boundary line of the area over which the entity applying for a Wind Energy Conversion System permit has legal control for the purpose of installing, maintaining and operating a Wind Energy Conversion System.

PUBLIC CONSERVATION LANDS shall mean land owned in fee title by State or Federal agencies and managed specifically for conservation purposes, including but not limited to State Wildlife Management Areas, State Parks, federal Wildlife Refuges and Waterfowl Production Areas. For purposes of this regulation, public conservation lands will also include lands owned in fee title by non-profit conservation organizations, Public conservation lands will also include private lands upon which conservation easements have been sold to public agencies or non-profit conservation organizations.

ROTOR DIAMETER shall mean the diameter of the circle described by the moving rotor blades.

SMALL WIND ENERGY SYSTEM shall mean a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kW and which is intended to primarily reduce on-site consumption of utility power.

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SUBSTATIONS shall mean any electrical facility to convert electricity produced by wind turbines to a higher voltage for interconnection with high voltage transmission lines.

TOTAL HEIGHT shall mean the highest point, above ground level, reached by a rotor tip or any other part of the Wind Energy Conversion System.

TOWER shall mean the vertical structures, including the foundation, that support the electrical generator, rotor blades, or meteorological equipment.

TOWER HEIGHT shall mean the total height of the Wind Energy Conversion System exclusive of the rotor blades.

TRANSMISSION LINE shall mean the electrical power lines that carry voltages of at least 69,000 volts (69 KV) and are primarily used to carry electric energy over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers.

WIND ENERGY CONVERSION SYSTEM (WECS) shall mean an electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to: power lines, transformers, substations and meteorological towers that operate by converting the kinetic energy of wind into electrical energy. The energy may be used on-site or distributed into the electrical grid.

WIND TURBINES shall mean any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy using airfoils or similar devices to capture the wind.

C. Requirements

Commercial/Utility Grade Wind Energy Systems may be permitted as a Conditional Use within any district where the use is listed and allowed. The following minimum requirements and information shall be met and supplied:

1. The name(s) of project applicant.
2. The name of the project owner.
3. The legal description and address of the project.
4. A description of the project of the project including: Number, type, name plate generating capacity, tower height, rotor diameter, and total height of all wind turbines and means of interconnecting with the electrical grid.
5. Site layout, including the location of property lines, wind turbines, feeder lines, and all related accessory structures. This site layout shall include distances and be drawn to scale.
6. Certification by an Engineer competent in disciplines of WEC's.
7. Documentation of land ownership or legal control of the property.
8. The latitude and longitude of individual wind turbines; included with this shall be an area or zone in close proximity that meets all setbacks; where actual WEC will be considered.
9. A USGS topographical map, or map with similar data, of the property and surrounding area, including any other Wind Energy Conversion System, within 10 rotor distances of the proposed Wind Energy Conversion System not owned by the applicant.
10. Location of wetlands, scenic, and natural areas (including bluffs) within 1,320 feet of the proposed Wind Energy Conversion System.

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11. An Acoustical Analysis that certifies that the noise requirements within this regulation can be met.
12. The applicant shall create and supply the emergency management agency and/or fire departments with a basic emergency response plan.
13. FAA and FCC permit, if necessary. Applicant shall submit permit or evidence from the FAA and the FCC that the permit has been filed with the appropriate agency, or that such a permit is not necessary.

D. Aggregated Projects

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

E. Setbacks

All towers shall adhere to the setbacks (measured from the edge of the tower) established in the following table:

	Wind Turbine – Commercial/Utility WECS	Meteorological Towers
Property Lines	150 feet from property lines; however, the setback may be less when two adjoining property owners are within the aggregate project.	One times the tower height.
Neighboring Dwelling Units*	1,000 feet	One times the tower height.
Road Rights-of-Way**	One times the tower height.	One times the tower height.
Other Rights-of-Way	One times the tower height.	One times the tower height.
Wildlife Management Areas and State Recreational Areas	600 feet***	600 feet***
Wetlands, USFW Types III, IV, and V	600 feet***	600 feet***
Other structures and cemeteries adjacent to the applicant's sites	One times the tower height.	One times the tower height.
Other existing WECS not owned by the applicant.	6,000 lineal feet	NA
River Bluffs	1,320 feet	NA

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

** The setback shall be measured from any future Rights-of-Way if a planned change or expanded Right-of-Way is known. Such right-of-ways shall be verified with the Nebraska Department of Roads and County Roads Department.

*** Setback may be reduced to a distance of no less than 100 feet based on review of proposed distance and approval by Nebraska Game & Parks Commission, U.S. Fish and Wildlife, and Army Corps of Engineers. Such reduction shall not be less than 100 feet and be based on certified engineer reports showing no effects on the identified areas. Applicant shall submit report and approval or evidence that the study has been performed and the request for approval has been submitted to the appropriate agency prior to the issuance of a zoning permit. Such permit would be conditional and contingent upon such approval.

F. Special Safety and Design Standards

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

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1. Clearance of rotor blades or airfoils must maintain a minimum of 12 feet of clearance between their lowest point and the ground.
2. All Commercial/Utility WECS shall have a sign or signs posted on the tower, transformer and substation, warning of high voltage. Other signs shall be posted on the turbine with emergency contact information.
3. All wind turbines, which are a part of a commercial/utility WECS, shall be installed with a tubular, monopole type tower.
4. Height: The total height shall be determined by the fall zone requirement and shall not exceed four hundred (400) feet. Tower height shall not exceed 300 feet. FAA approval is required.
5. Consideration shall be given to painted aviation warnings on all towers more than 200 feet.
6. Color and finish: All wind turbines and towers that are part of a commercial/utility WECS shall be white, grey, or another non-obtrusive color. Blades may be black in order to facilitate deicing. Finishes shall be matte or non-reflective.
7. Lighting: Lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by the FAA permits and regulations. Red strobe lights shall be used during nighttime illumination to reduce impacts on neighboring uses and migratory birds. Red pulsating incandescent lights should be avoided.
8. Other signage: All other signage shall comply with the sign regulations found in these regulations.
9. Feeder Lines: All communications and feeder lines associated with the project distribution system installed as part of a WECS shall be buried, where physically feasible. Where obstacles to the buried lines create a need to go above ground, these lines may be placed above ground only to miss the obstacle. All distribution and/or transmission lines outside of the project distribution system may be above ground.
10. Waste Disposal: Solid and Hazardous wastes, including but not limited to crates, packaging materials, damaged or worn parts, as well as used oils and lubricants, shall be removed from the site promptly and disposed of in accordance with all applicable local, state and federal regulations.
11. Discontinuation and Decommissioning:
 - a. A WECS shall be considered a discontinued use after one year without energy production, unless a plan is developed and submitted to the Zoning Administrator outlining the steps and schedule for returning the WECS to service. All WECS and accessory facilities shall be removed to four feet below ground level within 180 days of the discontinuation of use. The 180 days may be extended if proof of weather delays is provided.
 - b. Each Commercial/Utility WECS shall have a Decommissioning plan outlining the anticipated means and cost of removing WECS at the end of their serviceable life or upon being discontinued use. The cost estimates shall be made by a competent party; such as a Professional Engineer, a contractor capable of decommissioning or a person with suitable expertise or experience with decommissioning. The plan shall also identify the financial resources that will be available to pay for decommissioning and removal of the WECS and accessory facilities.

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12. Noise: No Commercial/Utility WECS shall exceed 60 dBA at the nearest structure or use occupied by humans. Such structures or uses include dwelling units, churches, daycares, and the like, but do not include barns, sheds, or agricultural, commercial or industrial uses.
13. Interference: The applicant shall minimize or mitigate interference with any commercial or public safety electromagnetic communications, such as radio, telephone, microwaves, or television signals caused by any WECS. The applicant shall notify all communication tower operators within five miles of the proposed WECS location upon application to the City for permits.
14. Roads: Applicants shall:
 - a. Identify all county, municipal or township roads to be used for the purpose of transporting WECS, substation parts, cement, and/or equipment for construction, operation or maintenance of the WECS and obtain applicable weight and size permits from the impacted jurisdictions prior to construction.
 - b. Conduct a pre-construction survey, in coordination with the appropriate jurisdictions to determine existing road conditions. The survey shall include photographs and a written agreement to document the condition of the public road.
 - c. Be responsible for restoring the road(s) and bridges to preconstruction conditions.
15. Drainage System: The applicant shall be responsible for immediate repair of damage to public drainage systems stemming from construction, operation or maintenance of the WECS.

11-616 Satellite Dish

Upon adoption of this regulation, installation of satellite dish antennas shall be permitted within the zoning jurisdiction of Schuyler only upon compliance with the following criteria:

- A. In residentially zoned districts, satellite dish antennas may not exceed a diameter of 10 feet.
- B. Single family residences may not have more than one satellite dish antenna.
- C. Multiple family residences may have no more than one satellite dish antenna per unit.
- D. In residential zoning districts, satellite dish antennas shall not be installed in the required front yard setback or side yard setback area.
- E. All satellite dish antennas installed within the zoning jurisdiction of Schuyler, upon adoption of these regulations, shall be of a neutral color such as black, gray, brown, or such color as will blend with the surrounding dominant color in order to camouflage the antenna.

11-617 Adult Entertainment

INTENT: The intent of this section is to provide for guidelines and criteria for the regulation, not the elimination of Adult Entertainment Establishments. The overall intent is to regulate the secondary effects of these uses within the county/community.

DEFINITIONS: The following definitions have been adopted by Schuyler, and as amended from time to time:

ADULT CABARET shall mean a nightclub, bar, restaurant, or similar establishment that regularly features live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities or films, motion pictures, video cassettes, slides, or other photographic reproductions in

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which more than 10 percent of the total presentation time is devoted to the showing of material that is characterized by any emphasis upon the depiction of specified sexual activities or specified anatomical areas.

ADULT COMPANIONSHIP ESTABLISHMENT shall mean an establishment which provides the service of engaging in or listening to conversation, talk or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

ADULT ESTABLISHMENT shall mean any business offering its patrons services or entertainment characterized by an emphasis on matter depicting, exposing, describing, discussing or relating to "specified sexual activities" or "specified anatomical areas," including, but without limitation, adult bookstores, adult motion picture theaters, adult saunas, adult companionship establishments, adult health clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotel or motel, and adult body painting studios.

ADULT HOTEL OR MOTEL shall mean a hotel or motel from which minors are specifically excluded from patronage and wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

ADULT MASSAGE PARLOR, HEALTH CLUB shall mean a massage parlor or health club which restricts minors by reason of age, and which provides the services of massage, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

ADULT MINI-MOTION PICTURE THEATER shall mean a business premises within an enclosed building with a capacity for less than 50 persons used for presenting visual-media material if such business as a prevailing practice excludes minors by virtue of age, or if said material is distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

ADULT MOTION PICTURE ARCADE shall mean any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing "specified sexual activities" or "specified anatomical areas."

ADULT MOTION PICTURE THEATERS shall mean a business premises within an enclosed building with a capacity of 50 or more persons used for presenting visual media material if said business as a prevailing practice excludes minors by virtue of age, or if said material is distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

ADULT NOVELTY BUSINESS shall mean a business which has as a principal activity the sale of devices which simulate human genitals or devices, which are designed for sexual stimulation.

ADULT SAUNA shall mean a sauna which excludes minors by reason of age, or which provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent, if the service provided by the sauna is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

SPECIFIED ANATOMICAL AREAS shall mean anatomical areas consisting of less than completely and opaquely covered human genitals, buttock, or female breast(s) below a point immediately above the top of the areola.

SPECIFIED SEXUAL ACTIVITIES shall mean activities consisting of the following:

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1. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following sexually-oriented acts of conduct: Anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, picquerism, sapphism, zoerasty; or clearly depicted human genitals in the state of sexual stimulation, arousal, or tumescence; or
2. Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation; or
3. Fondling or touching of nude human genitals, pubic region, buttocks, or female breast(s); or
4. Situation involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing costumes, and who are engaged in activities involving the flagellation, torture, fettering, binding, or other physical restraint or any such persons; or
5. Erotic or lewd touching, fondling, or other sexually-oriented contact with an animal by a human being; or
6. Human excretion, urination, menstruation, vaginal, or anal irrigation.

REGULATIONS

- A. No adult establishment shall be closer than 1,000 feet to any similar use and no closer than 1,000 feet to a residential district/use, religious uses, public uses, educational uses and recreational uses. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the main entrance of such adult business to the point on the property line of such other adult business, residential district/use, religious use, public uses, educational uses and recreational use.
- B. Said businesses shall be screened along adjoining property lines as to prevent any direct visual contact of the adult business at the perimeter.
- C. Doors, curtains, and any other means of obstruction to the opening of all booths and other preview areas, including but not limited to Adult Novelty Businesses, Adult Motion Picture Arcades, Adult Mini-Motion Picture Theaters, and Adult Motion Picture Theaters shall be removed and kept off at all times during the execution of this Permit. Failure to comply with this condition shall result in revocation of the Conditional Use Permit.
- D. No adult business shall be open for business between the hours of 12 midnight and six a.m.
- E. The proposed location, design, construction and operation of the particular use adequately safeguards the health, safety, and general welfare of persons residing or working in adjoining or surrounding property.
- F. Such use shall not impair an adequate supply of light and air to surrounding property,
- G. Such use shall not unduly increase congestion in the streets or public danger of fire and safety,
- H. Such use shall not diminish or impair established property values in adjoining or surrounding property,
- I. Such use shall be in accord with the intent, purpose and spirit of this Ordinance and the Comprehensive Development Plan of Schuyler.
- J. Applications for adult businesses under the terms of this Section shall be accompanied by evidence concerning the feasibility of the proposed request and its effect on surrounding property and shall include a site plan defining the areas to be developed for buildings and structure, the areas to be developed for parking, driveways and points of ingress and egress, the location and height of walls, the location and

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type of landscaping, the location, size and number of signs and the manner of providing water supply and sewage treatment facilities.

- K. An adult business shall post a sign at the entrance of the premises which shall state the nature of the business and shall state that no one under the age of 18 years of age is allowed on the premises. This Section shall not be construed to prohibit the owner from establishing an older age limitation for coming on the premises.
- L. Prohibited Activities of Adult Businesses:
1. No adult business shall employ any person under 18 years of age
 2. No adult business shall furnish any merchandise or services to any person who is under 18 years of age.
 3. No adult business shall be conducted in any manner that permits the observation of any model or any material depicting, describing or relating to specified sexual activities or specified anatomical areas by display, decoration, sign, show window or other opening from any public way or from any property not licensed as an adult use. No operator of an adult business or any officer, associate, member, representative, agent, owner, or employee of such business shall engage in any activity or conduct in or about the premises which is prohibited by Ordinances of the City of Schuyler or any other laws of the State.
- M. No part of the interior of the adult business shall be visible from the pedestrian sidewalk, walkway, street, or other public or semi-public area.

11-618 Mobile Food Vendors

- A. Long term mobile food vending site. In the event mobile food vending unit is operating on one site 50 or more days per calendar year, these regulations shall apply. One-half hour or more of operation shall be considered one day. Applicable to private property only.
1. Vending area and parking area shall be of a hard surface including paving, asphalt or pavers. Alternatively, with City of Schuyler, Nebraska Planning and Zoning Commission approval, upon Schuyler Building Inspector advice, approval may be given for crushed rock such as limestone crushed rock that is applied with appropriate compaction for the appropriate use.
 2. Minimum of 3 parking spaces.
 3. Entrance, access and traffic flow plan must be approved by City of Schuyler Building Inspector.
 4. There shall be no accessory buildings that do not meet the zoning regulations for the zoning district. Structures such as carports shall not be permitted unless they have been in existence on the subject property on or before January 1, 2018, and such structures are affixed to the ground with concrete anchors or footings and conform with zoning setbacks. Mobile food vending units must be set according to setbacks the same as for building structures within the appropriate zoning district.
 5. Mobile food vendors must follow all of City of Schuyler, Nebraska, mobile food vendor standards and application form.
 6. These mobile food vending regulations or standards do not necessarily apply to temporary contract caterers for venues and events as defined in the City of Schuyler, Nebraska, Municipal Code or Zoning Regulations.

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7. Exempt from the mobile food vending regulations or standards shall be all vendors that are owned by or under the exclusive direction of a non-profit entity or governmental subdivision within the Schuyler, Nebraska, area (considered no more than 10 miles from the city limits of the City of Schuyler, Nebraska), for a specific or special event or purpose.
- B. City of Schuyler, Nebraska, owned property and right-of-way property. It shall be unlawful for any person to engage in mobile food vending as a mobile food vendor on property owned by the City of Schuyler, Nebraska, or public right-of-way of the City of Schuyler, Nebraska, without first having obtained permission for such use (time/day limits a part of permission) from Schuyler City Mayor in addition to the approval of any vendor application permit. This permission is available irrespective of the zoning district permitted under Table 4-2. Mobile food vendors must be actively engaged in mobile food vending operations at all times while parked in any City owned or right-of-way property after permission is granted. This additional written permission by the Mayor shall result in additional fees as set forth on the Application for the permit which shall be approved by City Council in advance.
 - C. Violations of the provisions of this ordinance or failure to comply with any of its requirements shall constitute a misdemeanor and appropriate law enforcement officer may issue a citation to the applicant or other appropriate person with the penalty provisions as provided in Section 11-1214 being applicable upon conviction.

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**ARTICLE SEVEN
SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS**

11-701 Purpose

The Supplemental Site Development Regulations 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 title and provide for specific areas of exception.

11-702 Vision Clearance

Public safety and visibility at street intersections is a vital concern. As such, no natural installation of plants or shrubs, or artificial installation fences, signs, or other potential view-obstructing objects shall be installed or maintained at any intersection, unless the height of such materials is less than 30 inches.

11-703 Setback Adjustments

- A. Lots Adjoining Alleys: Any structure requiring vehicular access from an alley and with an overhead door or other opening accommodating vehicular access facing such alley shall be set back at least 15 feet from such alley.
- B. Double Frontage Lots: Buildings on through lots extending from street to street shall provide the required front yard setback on both streets.
- C. Exceptions to Openness of Required Yards: Every part of a required yard shall be open and unobstructed from finished grade upward, except as specified herein.
 - 1. Window sills including egress windows, belt courses, cornices, eaves, flues and chimneys, and ornamental features may project four (4) feet into a required yard, except that in no event shall such obstructions be within three (3) or less feet from any adjacent property lot line, including but not limited to interior side yard property lines.
 - 2. Terraces, patios, uncovered decks, and ornamental features which have no structural element more than three feet above or below the adjacent ground level may project ten feet into a required front yard. The roof over an unenclosed porch may project a maximum of six feet into a required front yard, as measured from the exterior foundation. Enclosed porches intended to be used as living space having a heating system shall be subject to the setback requirements of the district.
 - 3. Fire escapes, fireproof outside stairways, and balconies opening to fire towers may project a maximum of 3-1/2 feet into required yards, provided that they do not obstruct the light and ventilation of adjacent buildings.
 - 4. Air conditioners with capacities not exceeding five tons may project into a required yard, provided that the extension is no more than three feet from the building; and, in the case of side yard extensions, no less than three feet from any adjacent lot line.
 - 5. Solar collectors may project a maximum of five feet into required rear yards.
 - 6. 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 percent of the right-of-way width.
 - 7. 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 percent of the area of the required front yard, and has a vertical clearance of at least eight feet, six inches. This regulation is not intended to apply to commercial uses in the CBD District.

SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

8. Lamp posts and flag poles up to the maximum height allowed in the base district may be located within required yards, provided they are set back at least five feet from property lines.
- D. Setback Adjustments: These provisions apply if 50 percent or more of the buildings on that blockface have front yard setbacks less than those required for the specific district.
1. 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 lesser of:
 - a. the front yard setback of the adjacent building with the greater setback; or
 - b. the front yard setback normally required in the zoning district.
 2. If a building is to be built on a parcel of land which has an existing building within 100 feet on one side only, the minimum front yard shall be the setback of such existing building.
 3. If a building is to be built on a parcel of land not within 100 feet of an existing building on either side, the minimum front yard shall be the lesser of:
 - a. the principal building on the blockface with the greatest setback; or
 - b. the setback normally required in the zoning district.
 4. These setback regulations may be further varied by the Planning Commission within an HD Historic Overlay District, a Creative Subdivision, or within an historic district listed on the National Register of Historic Places.
- E. 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 be less than 60 percent of the rear yard required by the zoning district.
- F. Antennas, Microwave, Broadcast, and Receiving Towers:
1. Antennas, microwave, broadcast, and receiving towers which are accessory to a primary use and are designed to send or receive radio or television signals shall not be located within any street yard of the primary use. The street yard includes that portion of a lot or parcel that lies between any street property line and the fronting walls of any building or buildings on the parcel.
 2. Such antennas, microwave, broadcast, and receiving towers shall be located no less than 15 feet from the property line of an adjacent property within a residential zoning district.

11-704 Exceptions to Site Development Regulations for Creative Subdivisions

- A. Purpose: Section 4-3 of the Subdivision Chapter of the Land Development Ordinance provides for creative subdivisions. Creative subdivisions allow for greater flexibility in the design and development of subdivisions, in order to produce innovative residential environments, provide for more efficient use of land, protect topographical features, and encourage the preservation of common area and open space. These special regulations and exceptions apply only to creative subdivisions.
- B. Site Area Per Unit:
1. 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 site 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.

2. In the AG or RR Districts, the minimum site area per unit may be reduced by 50 percent in creative subdivisions.
- C. Perimeter Yards:
1. The required setback for any structure within a creative subdivision from a perimeter public street shall be the required setback for the zoning district.
 2. The required setback for any structure within the subdivision from any property line which forms the boundary of the subdivision shall be 20 feet.

11-705 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 percent of total roof area, flag poles, stage towers or scenery lofts, and water towers may exceed the height limit of any district by not more than 50 percent, except within the clear zone of an airport.
- B. Civic Buildings: Civic uses, including public or semi-public buildings, hospitals, institutions, schools, and religious assembly uses may be built to a height not to exceed 75 feet in any zoning district. Required yards for such buildings shall be increased by one foot for each two feet above the height limit for the zoning district.
- C. Special Use Permit Uses: The Planning Commission may grant an exception from the height limit for a zoning district for a special use permit 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.
- D. Supplemental Height Regulation 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 Schuyler.

11-706 Multiple Structures on a Lot

- A. Non-Residential Use Types: For non-residential use types, more than one structure may be located on a single lot, provided that all requirements of this Ordinance shall be met for each structure on the site.
- B. Townhouse or Multiple-Family Residential Use Types: For Townhouse, Multiple-Family, any Civic, or Lodging use types, more than one building may be developed on a lot in accordance with zoning district regulations and the following additional conditions:
 1. Open space between buildings shall be at least 20 feet for one-story buildings, 30 feet for two-story buildings, and 40 feet for all other buildings.
 2. All interior access roads or driveways shall be paved to provide a durable and dust-free surface approved by the City Engineer.
 3. A minimum pavement radius of 15 feet shall be provided at intersections of access roads and driveways and public rights-of-way.
 4. Interior vehicular access ways shall be wide enough to provide safe access for emergency and service vehicles.

11-707 Fence Regulations

- A. Location Restriction: Unless otherwise provided by this Ordinance or other sections of the Schuyler City Code, no fence shall be built to enclose any lot or tract outside the property lines of that lot or tract.
- B. Sight Obstruction: No solid fence permitted or required by this Ordinance or other sections of the Schuyler City Code shall be built within a triangle formed by the adjacent sight lines of two intersecting streets and a line connecting points 30 feet on each leg from their point of intersection.
- C. Facing: The finished surfaces of any fence shall face toward adjacent properties and street frontage.
- D. 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 along the street side yard 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 50 percent 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 percent closed construction if such lot fronts an arterial street or expressway, as defined in the Comprehensive Development Plan for the City of Schuyler; and if such frontage does not provide primary access to the property.
 - 5. Materials: Fences shall be constructed of wood, chain-link, PVC or resin/plastic, 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.
- E. Office, Commercial, and Industrial Fences: Fences constructed in commercial and industrial districts are subject to the following special provisions:
 - 1. LC and CBD Districts: The maximum height of a fence in the LC or CBD Districts shall not exceed six feet.
 - 2. GC, LI, and GI Districts: The maximum height of a fence within a required front yard or street side yard setback shall be six feet. The maximum height for a fence outside of required front yard or street side yard setbacks shall be ten feet and shall be constructed in accordance with the requirements of the edition of the International Building Code currently in effect in the City of Schuyler.

11-708 Trampoline Regulations

- A. Residential Zones Front Yards: Trampolines shall not be allowed within the front yards in all residential zoned districts.

- B. Setback Requirements: Trampolines may be permitted within required setback side yards and setback rear yards in all residential zoned districts so long as such setback requirements are followed within such districts as required for accessory buildings.
- C. Enclosure Standards: Trampolines shall be fully encircled with the trampolines manufacturer's netted enclosure or by a fence in compliance with Section 11-707. In addition, fences enclosing such trampolines shall not be less than 42 inches in height and shall not be constructed as to have openings, holes or gaps larger than 4" in any dimension except for doors or gates. All such gates or doors within said fencing enclosure shall be equipped with a self-closing and self-latching device to keep the gate or door securely closed at all times when not used for ingress or egress purposes. A dwelling or accessory building may be incorporated into the fence enclosure and in that event, any doors of the dwelling or accessory building shall not require the self-closing or self-latching devices.

11-709 Outdoor Storage Containers

Outdoor storage containers will be a permitted accessory use in the designated districts, provided the following conditions are met and a zoning permit issued:



- A. Number: No outdoor storage containers are permitted in the R-1, R-2, R-3, MH, LC, GC, and CBD Districts. Storage containers in the RR1 and GI Districts are subject to the Conditional Use Permit Process prior to locating containers on site. There is no permit required for outdoor storage containers in the AG District provided they are used for agriculture purposes, otherwise such containers shall be limited to two (2) containers per property and require a permit.
- B. Location: Containers shall be located to the rear 50 percent of the site. Containers shall not be located in any required landscape area, required drive aisle, driveway, or parking area. Containers shall not encroach upon spaces necessary to satisfy the minimum parking requirement, nor shall they block, impede, or divert traffic in or access to emergency, snow removal, circulation, and fire lanes. Containers shall be located an appropriate distance from all structures, in accordance with the Fire Code. Containers shall be located so as to minimize visibility from both public streets and residential land uses, and shall not be located in any required setback or yard area. Containers shall be located totally on the owner's lot, and no part shall be located on any public property. Containers shall not be stacked vertically.
- C. Condition and Materials: The exterior of the storage containers shall be kept free of rust, holes, dents, or other corrosion and otherwise maintained such that they are consistent with the character of adjacent buildings, and secured in location at all times. It shall be placed on a graded surface of concrete, asphalt, or gravel and not upon a foundation or wheels. It shall be made of metal or other stable, durable and acceptable material and shall not include a foundation, electricity, plumbing or other mechanical systems as part of its assembly or use.
- D. Use: At no time shall an outdoor storage container be used as a place of business or residence, nor shall a container house, store, or contain goods, products, or materials other than those that are accessory and essential to daily on-site use and operation of the principal building or business requesting the conditional use permit.
- E. Exemptions: Temporary use of construction trailers or outdoor storage containers at a building site is exempt from these restrictions; provided that no temporary use shall exceed six (6) month's duration.
- F. No container shall be more than 8 feet in height, nor more than 40 feet in length.

SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

- G. Permitted conditional use permits for storage containers shall be allowed for (1) year. Renewals are subject to Planning Commission and Council approval. Storage containers must be removed no later than five (5) working days after the expiration of the permit.

11-710 Appeals

Denial, revocations, or cancellations of a building permit based on the provisions of Article 7 may be appealed to the Board of Adjustment, as set forth in Article Twelve.

8 **ARTICLE EIGHT**
LANDSCAPING AND SCREENING REGULATIONS

11-801 Purpose

The Landscaping and Screening Regulations provide additional guidance on the development of sites within Schuyler 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 Schuyler.

11-802 Applicability

The provisions of this section 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 percent. Where such additions or enlargements are 20 percent or greater, these provisions shall apply only to that portion where the new development occurs.

11-803 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 LANDSCAPING DEPTH

<u>Zoning District</u>	<u>Depth of Landscaping Adjacent to Street Property Line</u>
AG	35 Feet
RR	35 Feet
R-1	20 Feet
R-2	15 Feet
R-3	15 Feet
MH	35 Feet
LC	15 Feet
CBD	No Requirement
GC	10 Feet
LI	10 Feet
GI	No Requirement

11-804 Bufferyard Provisions

These provisions apply when a use is established in a more-intensive zoning district (District A) which 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 section. Bufferyard requirements apply only to those districts indicated in Table 8-2.

- A. The bufferyard dimensions set forth in Table 8-2 apply to zoning districts which share a common lot line or are adjacent but separated by an intervening alley.
- 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.
- D. Bufferyard requirements apply only when property in District B is vacant or used for residential purposes.

**TABLE 8-2: BUFFERYARD REQUIREMENTS (FEET)
District B: Adjacent, Less Intensive District**

		AG*	RR	R-1	R-2	R-3	MH
District A:	LC	10	10	10	10	10	10
More	GC	30	30	20	20	20	20
Intensive	LI	30	30	30	30	30	30
District	GI	50	50	50	50	50	50

11-805 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 7-5(a) from less-intensive uses as follows:
 - 1. A solid wood, masonry, PVC or resin/plastic 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.

LANDSCAPING AND SCREENING REGULATIONS

- 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 percent of the length of the required screened area.

11-806 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.
- B. Maintenance of Required Landscaping: Upon installation of required landscape materials, each owner shall take appropriate actions to insure their continued health and maintenance. Required landscaping that does not remain healthy shall be replaced consistent with this Article.
- C. Obstruction of View: Landscaping installed in any landscaped area shall not obstruct the view from or to any driveway approach, street, alley, or sidewalk.
- D. 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.

9 **ARTICLE NINE**
OFF-STREET PARKING

11-901 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.

11-902 General Applications

- A. Applicability: Off-street parking shall be provided for any new building constructed; for new uses or conversions of existing buildings; and for enlargements of existing structures.
- B. Exemptions: Any use within the CBD Central Business District is exempt from the off-street parking requirements provided by Section 11-903. Any off-street parking facility constructed in the CBD District after the effective date of this Ordinance must comply with the design standards set forth in this Article.

11-903 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 should 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 in effect for the City of Schuyler at the time the use is established.

TABLE 9-1: OFF-STREET PARKING REQUIREMENTS	
Use Types	Parking Requirement
Agricultural Uses	
Horticulture	1 Space per 1,000 Square Feet of Sales Area
Crop Production	No Requirement
Animal Production	No Requirement
Commercial Feedlots	No Requirement
Livestock Sales	1 Space per 200 Square Feet of Consumer Sales Area
Residential Uses	
Single-Family Detached	2 Spaces per Dwelling Unit
Single-Family Attached	2 Spaces per Dwelling Unit
Duplex	2 Spaces per Dwelling Unit
Townhouse	2 Spaces per Dwelling Unit
Multiple-Family	2 Spaces per Dwelling Unit
Group Residential	1 Space per Resident
Mobile Home Residential	2 Spaces per Dwelling Unit
Mobile Home Subdivision	2 Spaces per Dwelling Unit
Housing Developed Specifically for Occupancy for the Elderly	0.5 Spaces per Dwelling Unit

OFF-STREET PARKING

TABLE 9-1: OFF-STREET PARKING REQUIREMENTS	
Use Types	Parking Requirement
Civic Uses	
Administration	1 Space per 300 Square Feet
Cemetery	No Requirement
Clubs	1 Space per 500 Square Feet
College/University	8 Spaces per Classroom Plus 1 Space per Employee
Convalescent Services	1 Space per 4 Beds
Cultural Services	1 Space per 1,000 Square Feet
Day Care (Limited)	1 Space per Employee Plus 1 Space or Loading Stall for Each 10 Persons Licensed Capacity
Day Care (General)	1 Space per Employee Plus 1 Space or Loading Stall for Each 10 Persons Licensed Capacity
Detention Facility	1 Space per Employee on Largest Shift
Emergency Residential	1 Space per 2 Persons Licensed Capacity
Group Care Facility	1 Space per 4 Persons Licensed Capacity
Group Home	1 Space per 4 Persons Licensed Capacity
Guidance Services	1 Space per 300 Square Feet
Hospital	1 Space per Bed Patient Capacity
Maintenance Facilities	See Schedule A
Park and Recreation	No Requirement
Postal Facilities	See Schedule A
Primary Education	2 Spaces per Classroom
Public Assembly	1 Space per 4 Person Licensed Capacity
Religious Assembly	1 Space per 4 Person Licensed Capacity in Largest Worship Space
Safety Services	1 Space per Employee on Largest Shift
Secondary Education	8 Spaces per Classroom + 1 Space per Employee on Largest Shift
Utilities	1 Space per Employee on Largest Shift
Office Uses	
General Offices	1 Space per 300 Square Feet
Medical Offices	1 Space per 300 Square Feet
Financial Services	1 Space per 300 Square Feet
Commercial Uses	
Agricultural Sales/Service	See Schedule A
Automotive Rental/Sales	See Schedule A
Auto Services	3 Times Service Capacity
Body Repair	4 Spaces per Repair Stall
Equipment Rental/Sales	See Schedule A
Equipment Repair	See Schedule A
Vehicle Storage	N/A
Bed and Breakfast	1 Space per Room
Building Maintenance	1 Space per 500 Square Feet
Business Support Services	See Schedule A
Business/Trade Schools	1 Space per 4 Students
Campground	1 Space per Camping Unit
Cocktail Lounge	1 Space per 200 Square Feet
Commercial Recreation	1 Space per 4 Person Capacity
Communication Services	1 Space per 500 Square Feet
Construction Sales and Service	See Schedule A
Consumer Services	1 Space per 200 Square Feet of Customer Service Area
Convenience Storage	1 Space per 10 Storage Units
Food Sales (Limited)	1 Space per 300 Square Feet of Sales Area

OFF-STREET PARKING

TABLE 9-1: OFF-STREET PARKING REQUIREMENTS	
Use Types	Parking Requirement
Food Sales (General)	1 Space per 200 Square Feet of Sales Area
Funeral Services	1 Space per 4 Person Capacity in Parlor + 1 Space per Employee and Per Vehicle Maintained On Site
General Retail Services	1 Space per 200 Square Feet of Sales Area
Kennels	1 Space per Employee
Laundry Services	1 Space per 200 Square Feet of Customer Service Area
Liquor Sales	1 Space per 200 Square Feet of Sales Area
Lodging	1 Space per Unit
Personal Improvement	1 Space per 200 Square Feet
Personal Services	1 Space per 200 Square Feet
Pet Services	1 Space per 300 Square Feet
Research Services	1 Space per 500 Square Feet
Restaurants (Drive-In)	Greater of 1 Space per 40 Square Feet of Dining Area or 1 Space per 150 Square Feet of Gross Floor Area
Restaurants (General)	1 Space per 3 Person Capacity in Dining Area
Stables	1 Space per Employee
Surplus Sales	See Schedule A
Veterinary Services	1 Space per 500 Square Feet
Parking Uses	
Surface Parking	N/A
Parking Structure	N/A
Industrial Uses	
Custom Manufacturing	See Schedule A
Light, Limited Industry	See Schedule A
General Industry	See Schedule A
Heavy Industry	See Schedule A
Recycling Collection	1 Space per Employee
Recycling Processing	1 Space per Employee
Resource Extraction	1 Space per Employee on Largest Shift
Salvage Services	See Schedule A
Warehousing	See Schedule A
Construction Yards	See Schedule A
Transportation Uses	
Aviation Facilities	To be Determined by Building Official
Railroad Facilities	No Requirement
Transportation Terminal	Re Requirement
Truck Terminal	See Schedule A
Miscellaneous Uses	
Broadcasting Tower	No Requirement
Construction Batch Plant	1 Space per Employee
WECS	No Requirement
Landfill (Non-Putrescible)	To be Determined by Building Official
Landfill (Putrescible)	To be Determined by Building Official

OFF - STREET PARKING

TABLE 9-1: OFF-STREET PARKING REQUIREMENTS SCHEDULE A	
This schedule 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 Rental, Sales, Display, or Service Area	1 Space per 500 Square Feet
Outdoor Rental, 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

11-904 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 multi-family or group residential uses shall be at least six feet from any main building; and shall not be located within a required front yard or street side yard.
3. Parking is permitted within any enclosed structure when such structure conforms to the regulations of its zoning district.
4. Parking is permitted outside of an enclosed structure in the side yard behind the line of the required front yard setback or in the rear yard so long as same is in compliance with the provision of this Article 9.

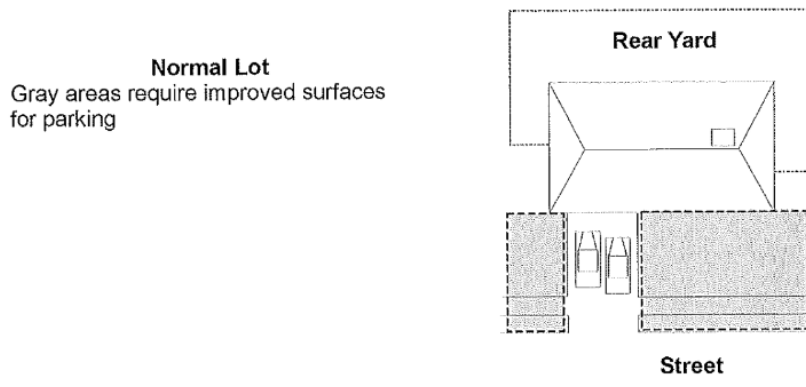
B. Front Yard Parking: Parking in front yards shall be subject to the following:

1. All required parking in any residential district must be outside the required front yard, except as specifically provided in this Article 9.
2. It shall be unlawful for any vehicle owner or operator, and/or the owner, occupant, lessee, mortgagee or person in possession, charge or control of any lot or piece of ground which is zoned for single-family or two-family units or serves as a residence of single-family or two-family units, regardless of zoning, to park or allow a vehicle to park upon the front yard of such lot or piece of ground unless the vehicle is on a hard surface, maintained in good repair, without weeds or grass, and in conformance with the City of Schuyler, Nebraska Municipal Building Code and this land use ordinance, except as otherwise provided in this Article 9. For the purposes of this section, the front yard shall include all sides of a lot adjacent to a municipal street, see diagram 9-1. Exceptions to the foregoing front yard parking include:
 - a. Vehicles(s) owned by a commercial vendor when the vendor's employee(s) are performing work in conjunction with an open building permit granted by the City of Schuyler for such lot or piece of ground, and
 - b. As necessary for the expedient loading and/or unloading of materials for such property.
3. In any residential district, no single-family or two-family residential zone lot shall have more than 35% of the required front yard used for driveway or off-street parking purposes. However, this restriction shall not prohibit the construction of a 30-foot-wide driveway or driveway expansion immediately in front of a two or three-car garage with the minimum width reasonably necessary to provide access to such two or three-car garage.

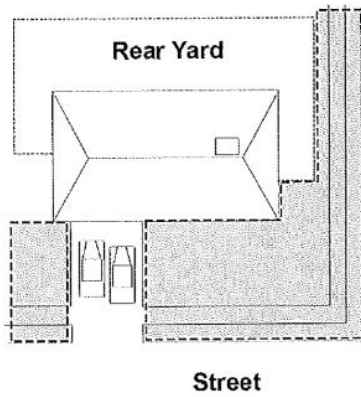
OFF-STREET PARKING

4. In any residential district, expansions of off-street parking areas in front of yards shall be of a hard surface, i.e., paved concrete, asphalt, brick pavers or equal quality when such off-street parking is adjacent to a similar hard surface driveway.
 5. In any residential district, in the event driveways are existing prior to September 5, 1995, and fail to be built with a "hard surface", such non-hard surface driveway may continue and may be expanded upon or extended in compliance with this Section 11-904 provisions, with use of the hard surface or crushed rock or gravel so long as a border or edging maintaining separation between parking and residential lawn areas are established and any driveway expansion requiring professional curb modification must be approved by Schuyler Building Inspector Official.
 6. In any residential district, any expansion to an existing driveway that is located within the area between the street curb line and the property's front property line may be built to accommodate up to two vehicles parking spaces. Such spaces must be perpendicular to the curb line and conform to specifications of Section B4 above, except for such properties falling within Section B5 above and then in compliance with said Section B5 above. In no event shall parking spaces encroach upon the street or sidewalk.
 7. Any ne construction for garages or driveways or construction of an existing garage that is being improved by more than 50% in value must install a hard surface (concrete or asphalt or brick paver) driveway that extends from the street curb line to the garage and shall be no more than 35% of street frontage width, subject to a maximum allowed width of 30-feet, unless minimum width necessary to provide access to a two or three car garage requires additional width and then only with the approval of the Building Inspector Official. If the subject property is not upon a hard surface roadway, the driveway hard surface must not extend into the street, with a 20-foot setback from center road recommended.
 8. Any driveway or terrace parking areas that were in existence prior to September 5, 1995, shall be allowed to continue in its present condition and if such area is along a hard surface roadway, the off-street parking areas are only allowed where the curb was designed for vehicle access and if these parking and driveway areas are not of a hard surface, then white rock or gravel shall be provided upon all driveway and parking areas maintained and free of weeds with edging between rock/gravel parking/driving areas and yard with border edging such as landscaped timbers, railroad ties or similar edging material to define edges of parking and driveway area.
- C. Non-Residential Parking: Rear yard parking spaces or driveways for accessory buildings are allowed, subject to compliance with Schuyler land use zoning ordinance including but not limited to impervious coverage, required setbacks and accessibility. Such parking spaces or driveways must be preapproved by City of Schuyler Building Official and meet all zoning and land use ordinance requirements and be of a hard surface unless in compliance with Section B5 above.

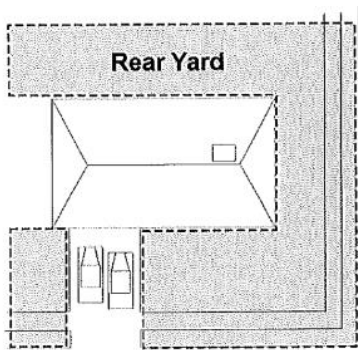
DIAGRAM 9-1



OFF-STREET PARKING



Corner Lot With Fence
Both the front yard and the side yard adjacent to the adjoining street require improved surfaces for parking



Corner Lot - No Fence
The front yard, side yard adjacent to the adjoining street, and the rear yard all require improved surfaces for parking. The rear yard is included because vehicles parked there are visible from a public right-of-way.

11-905 Parking for Persons 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 handicaps. 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.

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 Percent of Total
101-150	5	1,001 and Over	20, Plus 1 for Each
151-200	6		100 Stalls over 1,000

11-906 Off-Street Parking Design Standards

- A. Dimensions and Markings:
1. Standard parking stalls shall be 9 feet wide and 18 feet long.
 2. Parking facilities may provide up to 40 percent of their total stalls as designated compact stalls. Compact parking stalls shall be a minimum of 8.5 feet wide and 16 feet long.

OFF-STREET PARKING

3. Spaces designated for disabled people 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 people with disabilities.
 4. Each parking space in a non-residential parking facility must be appropriately and individually striped.
- B. Pavement and Drainage:
1. Off-street parking facilities and lots created after the effective date of this Ordinance shall be paved with concrete, asphalt, or pavers of concrete or brick, and maintained in a state of good repair. Those facilities and lots created prior to the effective date of this Ordinance shall be deemed allowable to continue in operation as non-conforming uses, subject to the provisions of Section 11-1104.
 2. Off-street parking facilities shall be designed and built to prevent the free flow of water onto adjacent properties.
 3. The general requirement to construct an off-street parking area can be waived by the City Council if the proposed lot would be deemed to receive infrequent use.
- 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 ten feet along any street property line.
 2. Each parking facility that abuts a residential district shall provide a ten-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 percent of the total paved area of the parking facility. Parking facilities within the LI or GI Districts shall be exempt from this requirement.
 5. Interior landscaping shall be credited toward the satisfaction of overall landscaping requirements set forth in Article Eight.
- D. Entrances, Exits, and Maneuvering:
1. Adequate access to each parking facility shall be provided by means of clearly defined and limited driveways or access points. Such driveways shall be designed to direct nonresidential traffic away from residential areas.
 2. Parking facilities other than driveways for single-family, duplex, or mobile home residential uses must permit vehicles to enter streets in a forward position.
 3. All parking facilities must provide adequate internal room for safely maneuvering in and out of parking spaces without encroaching on public streets, walks, or alleys; and so that any automobile may be parked and unparked without moving another automobile.

OFF-STREET PARKING

4. No access drive to a parking area in a Residential District shall traverse any land other than the subject site or other district in which such parking lot may be legally established.

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.
- 3. All lighting shall be so oriented that it shall not shine on adjacent property.

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 Special Use Permit approval, the Planning Commission may adjust the minimum requirements of this section, 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.

H. Parking Facilities in Residential Districts:

- 1. No parking lot shall encroach on any required front or side yard required by the Site Development Regulations in Table 4-3 of the primary zone.
- 2. No parking lot shall encroach on a required yard or open space or upon the minimum site area required for an existing use.

11-907 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 9-3.

TABLE 9-3: OFF-SITE LOADING REQUIREMENTS	
Gross Floor Area of Use (Square Feet)	Number of Required Loading Spaces
5,000 or Less	None
5,001 – 25,001	1
25,001 – 75,000	2
Larger Than 75,000	3

C. Design Standards:

- 1. Each loading space shall be at least 10 feet wide by 50 feet long, with a vertical clearance of at least 14 feet. However, the Building Official may modify this size requirement in specific instances, based on the needs and character of an individual use.
- 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.

11-908 Parking for Recreational Vehicles, Trailers and Boats

- A. The following represents special provisions for recreational vehicles to include parking and storage of recreational vehicles, trailers and boats, subject to the following conditions:
 1. The vehicle is maintained in a clean, well-kept state.
 2. If the vehicle is equipped with liquefied petroleum gas containers, such containers must 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. The vehicle may be used only by non-paying guests for a maximum of three consecutive days or 14 days during any calendar year.
 4. The vehicle may not be permanently connected to utility lines.
 5. The vehicle 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. Recreational vehicles may be parked or stored in a required front yard or street side yard, provided that they shall not be parked or stored in a manner so as to infringe upon paved pedestrian walkways, and shall not be parked or stored in such a manner so as to obstruct street intersections such that would impede vision of oncoming traffic.

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**ARTICLE TEN
SIGN REGULATIONS**

11-1001 Purpose

The Sign Regulations provide standards for communicating information in the environment of the City of Schuyler 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.

11-1002 Definitions of Terms

The following definitions shall be used for terms contained in this Article that are not otherwise defined in this Zoning Ordinance:

- A. 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.
- B. Attached Sign: A sign which is structurally connected to a building or depends upon that building for support.
- C. 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.
- D. Banner: Any sign of lightweight fabric or similar material with a printed message or graphic permanently secured or mounted from a structure in such a way as to allow wind movement.
- E. Building Marker: An historic or commemorative plaque, or a building name or cornerstone carved into a masonry surface.
- F. Business Center Identification Sign: A sign which identifies a building or group of commercial buildings in single ownership or control, sharing parking, and access.
- G. Business Identification Sign: A sign that identifies a business located on the same premises upon which the sign is located.
- H. 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 as a protective cover over a door, window, entrance, or outdoor service area.
- I. Canopy Sign: A sign which is attached or made an integral part of a canopy.
- J. Clearance: The distance from the bottom of a sign face elevated above grade and the grade below.
- K. Detached Sign: A sign which is self-supporting and structurally independent from any building.
- L. Directional Sign: A sign which serves solely to designate the location or direction of any area or place.
- M. Double-Faced Sign: A sign consisting of no more than two parallel faces, no more than 42 inches apart, and supported by a single structure.
- N. Frontage: The length of a property line of any one premise abutting and parallel to a public street.

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- O. Ground Sign: A detached on-premise sign built on a freestanding frame, mast, or pole(s) with a clearance no greater than three feet.
- P. Illumination: Lighting sources installed for the primary purpose of lighting a specific sign or group of signs.
- Q. Incidental Sign: A sign which is incidental to and aids the functioning of a use, but which does not provide primary identification for the use. Examples of incidental signs include entrance and exit signs, or signs that provide directions to traffic on a site.
- R. Marquee: A permanent roofed structure attached to and supported by a building and extending over public right-of-way.
- S. Maximum Permitted Sign Area: The maximum permitted combined area of all signs allowed on a specific property.
- T. Monument Sign: An on-premise freestanding sign with the appearance of a solid base. The width of such base shall be at least 75 percent of the width of the sign.
- U. Moving Sign: A sign which conveys its message through rotating, changing, or animated elements.
- V. Nonconforming Sign: A sign that was legally erected prior to the adoption of this Ordinance but which violates the regulations of this Ordinance.
- W. Pole Sign: A sign on a premise built on a freestanding frame, mast, or pole(s) with a clearance greater than three feet, and where the support encompasses less than 75 percent of the width of the sign.
- X. 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.
- Y. Premise Identification Sign: Any sign which pertains to the non-residential 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.
- Z. Premises: A tract of one or more lots or sites which are contiguous and under common ownership or control.
- AA. Projecting Sign: A sign other than a wall sign that is attached to and projects from a building face.
- BB. Residential Sign: A small wall sign located on a residential premise, conveying a message lawfully communicated by the owner of the property or used to identify home occupations, block parents, the name of the premises, or the occupants thereof. Residential signs are non-illuminated and non-reflecting signs which do not exceed four square feet in area.
- CC. 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.
 - 1. 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.
 - 2. Above-Peak Roof Sign: A roof sign positioned above the peak of a roof or above a parapet or cornice.
- DD. 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.

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- EE. Sign Type: A functional description of the use of an individual sign. Includes owner identification, advertising, directional, electronic message, and temporary.
- FF. Street Facade: Any separate external face of a building, including parapet walls and omitted wall lines, oriented to and facing a public street. Separate faces oriented in the same direction or within 45 degrees of one another are considered part of the same street facade.
- GG. Temporary Signs: Any outdoor sign or device including, but not limited to banners, pennants, flags or advertising display constructed of cloth, canvas, light fabric, cardboard or other light materials, with or without frames, intended to be displayed for a limited period of time and which is not permanently affixed; provided, that temporary signs shall not include mobile or portable sign.
- HH. Wall Sign: A sign attached to and parallel with the side of a building.
- II. Window Sign: A sign painted on or installed inside a window for the purpose of viewing from outside the premises.
- JJ. Zone Lot: A parcel of land in single ownership that is large enough to meet the minimum zoning requirements of its zoning district and can provide such yards and other open spaces as required by the site development regulations.

11-1003 General Sign and Street Graphics Regulations

- A. Compliance: Each sign or part of a sign erected within the zoning jurisdiction of the City of Schuyler must comply with the provisions of this Ordinance and of other relevant provisions of the City of Schuyler Municipal Code.
- B. Resolution of Conflicting Regulations: This Ordinance is not meant to repeal or interfere with enforcement of sections of the Schuyler City Code. In cases of conflicts between the Schuyler City Code, this Ordinance, or 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 public property, including permanent, temporary, and exempt signs, 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 30 days of date of abandonment.
 - 6. Signs advertising activities that are illegal under federal, state, or local laws and regulations.
 - 7. Signs that are not clean or in substantial good repair, or are not affixed to a sound structure.
 - 8. Signs which physically move or have animated or moving parts that are visible from the traveled ways of 16th Street, Colfax Avenue, and present and designated future alignments of U.S. Highway 30 and State Highway 15.

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9. Signs in officially designated scenic areas or parkland visible from the traveled way of 16th Street, Colfax Avenue, and present and designated future alignments of U.S. Highway 30 and State Highway 15.
 10. Signs with wiring not in accordance with the National Electrical Code, adopted and incorporated by reference in the Schuyler City Code.
 11. Canopy signs, except with governing body permit. Conditions to be considered in granting a canopy sign permit by the governing body shall include: Signs attached to the canopy shall not hand or extend below the canopy structure which do not provide a clearance of at least 7 feet 6 inches; the sign shall be attached in a secure manner; the sign shall not threaten the structural integrity of the canopy; the sign shall not exceed 6 square feet unless the sign is, in fact, a part of an incorporated into the canopy itself and complies with all canopy requirements; the sign shall not extend beyond 6 feet 6 inches from the building to which the canopy is attached; the canopy is securely attached to the building structure; the sign is neat, clean, in good repair/conditions and is made of materials of a long lasting nature.
- D. Exempt Signs: The following signs are permitted in any zoning district and are exempt from Sections 11-1006 through 11-1012:
1. Bulletin boards for religious assembly or school uses, provided that they have a maximum sign area of 20 square feet and are not located in a required sign setback.
 2. Official signs authorized by a government or governmental subdivision which give traffic, directional, or warning information.
 3. Seasonal decorations for display on private or public property.
 4. Works of graphic art painted or applied to building walls which contain no advertising or business identification messages.
 5. Residential signs under four square feet in size.
 6. Street numbers.
 7. Signs which are not visible from a public right-of-way or from a property other than that on which the sign is installed.
- E. Temporary and Civic Signs: The following non-illuminated temporary signs are allowed in all zoning districts, provided that the sign area and height of the sign shall not exceed the following limitations by zoning district:
- Residential Districts – four square feet of sign area.
- Nonresidential Districts – 25 square feet of sign area and six feet in height.
1. Temporary real estate signs identifying an offer for the sale or lease of all or part of the premises on which the sign is located are permitted provided that such sign shall be removed within one week after closing of the sale or lease of the premises.
 2. Temporary construction signs of contractors or artisans identifying the contractors or artisans performing work on the premises on which the sign is located are permitted provided such signs shall be limited to one sign per contractor or artisan and shall be removed within one week after completion of the work of the contractor or artisan.
 3. Temporary noncommercial signs in connection with political campaigns, nonprofit civic activities, and other noncommercial activities are permitted.

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- F. Bufferyards: No sign other than on-premise directional signs shall be placed within any bufferyard required by Article Eight, 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 30 feet from the point at which the curbs or edges of two intersecting streets, or an intersecting street and driveway, meet.

11-1004 General Regulations: Basic Design Elements for On-Premise Signs

- A. Wall Signs and Graphics: Wall signs and graphics are subject to the following general regulations.
 - 1. A wall sign shall not extend more than 30 inches from the wall to which it is attached.
 - 2. A wall sign must be parallel to the wall to which it is attached.
 - 3. 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.
 - 4. A wall sign may not extend beyond its building's roof line.
 - 5. A wall sign attached to a building on its front property line may encroach upon public right-of-way by no more than 18 inches. Such a wall sign shall provide minimum clearance of eight feet, six inches. This regulation is not intended to apply to canopies in the CBD district.
 - 6. For the purpose of calculating permitted sign areas pursuant to this Article, signs painted on the walls of buildings shall be considered wall signs.
 - 7. Where permitted, canopy signs are counted as wall signs when calculating total permitted sign area.
- B. Projecting Signs and Graphics: Projecting signs and graphics are subject to the following general regulations.
 - 1. The maximum projection of any projecting sign shall be as follows:
 - a. Six feet, six inches over public sidewalks less than 12 feet wide;
 - b. Eight feet over public sidewalks 12 feet wide or more, or over private property.
 - 2. A projecting sign may be no closer than three feet from the vertical plane of the inside curb line.
 - 3. 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. Ten feet for signs located outside of driveways or parking areas, but within three feet of such areas; or within 50 feet of the right-of-way lines formed by the intersection of two or more streets;
 - c. Fourteen feet over parking lots;
 - d. Sixteen feet, six inches over alleys or driveways.

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4. No projecting sign extending three feet or more from a property line may be located within 25 feet of any other projecting sign extending three feet or more from a property line.
 5. 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. Ten feet for signs located outside of driveways or parking areas, but within three feet of such areas; or within 50 feet of the right-of-way lines formed by the intersection of two or more streets;
 - c. Fourteen feet over parking lots;
 - d. Sixteen feet, six inches over alleys or driveways.
 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 integral roof sign must be mounted parallel to the wall of the building that it faces.

11-1005 General Regulations: Other Design Elements

- A. Illumination:
1. 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.
 2. Lighted signs in direct vision of a traffic signal shall not be illuminated in red, green, or amber.
- B. Marquee 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.
 3. Each banner sign must maintain at least the following vertical clearances:
 - a. Eight feet, six inches over sidewalks;
 - b. Ten feet for signs located outside of driveways or parking areas, but within three feet of such areas; or within 50 feet of the right-of-way lines formed by the intersection of two or more streets;

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- c. Fourteen feet over parking lots;
 - d. Sixteen feet, six inches over alleys or driveways.
 - 4. 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 Ordinance, clocks are not considered a moving sign.

11-1006 Method of Measurement of Regulators

- A. Maximum Permitted Sign Area: Maximum permitted sign area for a zone lot is set forth as a numerical limit or as a function of the frontage of the premises on a street. For properties with frontage on more than one street, 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 any property line to the line projected onto the ground of any component of the sign nearest such property line. All setbacks shall comply with standards established by the Federal Highway Administration and the Nebraska Department of Roads.

11-1007 Permitted Sign Types by Zoning Districts

Table 10-1 sets forth the sign types permitted within each zoning district of the City of Schuyler.

11-1008 Maximum Permitted Sign Area

Table 10-2 sets forth the maximum sign area permitted within each zoning district of the City of Schuyler.

11-1009 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.

11-1010 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.

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- B. Applications: All applications for sign permits shall be submitted to the Building Official in accordance with application specifications established by him/her.
- C. 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.
- D. Action: Within seven days of the submission of a complete application for a sign permit, the City shall either issue the sign permit, if the sign conforms to the provisions of this Article, or reject the sign permit if the sign(s) that is the subject of the application fails in any way to conform to the requirements of this Article.
- E. 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.
- F. Maintenance of Valid Sign Permit: The owner of a property containing signs requiring a permit under this Ordinance shall at all times maintain in force a sign permit for such property. Sign permits shall be issued for individual zone lots.
- G. Lapse of Sign Permit: A continuing sign permit shall lapse automatically if not renewed, or if the individual business on the premises lapses or is discontinued.
- H. Assignment of Sign Permits: A current and valid sign permit shall be freely assignable to a successor as owner of the property or operator of a business for the same premises, subject only to filing such application as the Building Official may require and paying any applicable fee. The assignment shall be accomplished by filing and shall not require approval.
- I. Signs exceeding the standards for permitted signs or exempted from sign requirements, are permitted only on application to the City of Schuyler Zoning Administrator or designee for a Master Signage Plan approval in accordance with the standards and regulations of the conditional/special use permits of the Schuyler Zoning Ordinance.

11-1011 Repair or Modification of Nonconforming Signs

- A. Nonconforming Signs – Modifications: All permanent signs in place and in existence on the effective date of this Ordinance shall be considered as legal nonconforming signs. The copy area of such signs may be changed or the copy thereon replaced; provided, however, the sign area shall not be enlarged beyond the sign area of said sign on the effective date of this Ordinance.
- B. Replacement of Damaged Nonconforming Signs: Any nonconforming sign which presently is or becomes structurally damaged or deteriorated, or is altered by more than 50 percent of its replacement cost, shall be either removed or altered so as to comply with this Article.

11-1012 Master Signage Plan

For any commercial or industrial zoned lot upon which the owner proposes to erect more than one sign requiring a permit, which application for permit exceeds the standards for permitted signs or exempted from permitted sign requirements, unless such zoned lot or parcel has been included in a Common Signage Plan, the owner shall submit to the City Zoning Administrator or designee a Master Signage Plan, same to be approved through the conditional/special use permit process, containing the following:

- A. An accurate plot plan of the zoned lot, at such a scale as the Zoning Administrator and/or the Schuyler Building Inspector may require;
- B. Location of buildings, parking lots, driveways and landscape areas on such zoned lot;

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- C. Computation of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of freestanding signs proposed on the zoned lot(s) included in the plan; and
- D. An accurate indication on the plot plan of the proposed location of each present and future sign of any type, whether requiring a permit or not, except that incidental signs need not be shown.

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TABLE 10-1: PERMITTED SIGNS BY TYPE AND ZONING DISTRICT									
Sign Type	AG	RR	R-1 R-2 MH	R-3	LC	GC	CBD	LI	GI
Detached Signs									
Residential	P	P	P	P	P	N	N	N	N
Business Identification	P	P	P(C)	P	P	P	P	P	P
Incidental/Directional	P(C)	P(C)	P(C)	P	P	P	P	P	P
Ground/Monument	P	P	P(C)	N	P	P	P	P	P
Pole	N	N	N	N	N	P	N	P	P
Temporary Signs	N	N	N	N	P	P	P	P	P
Attached Signs									
Awning	N	N	N	P	P	P	P	P	P
Banner	N	N	N	N	P	P	P	P	P
Building Marker	P	P	P	P	P	P	P	P	P
Canopy	N	N	N	N	P	P	P	P	P
Premise Identification	P	P(C)	P(C)	P	P	P	P	P	P
Incidental/Directional	P(C)	P(C)	P(C)	P	P	P	P	P	P
Marquee	N	N	N	N	P	P	P	P	P
Projecting	N	N	N	N	P	P	P	P	P
Roof, Integral	N	N	N	N	P	P	P	P	P
Roof, Above Peak	N	N	N	N	N	N	P	P	P
Wall	P	P	P	P	P	P	P	P	P
Miscellaneous									
Flag	P	P	P	P	P	P	P	P	P
Portable	N	N	N	N	N	N	N	N	N
Flashing	N	N	N	N	N	P	P	P	P
Illuminated	P	N	N	N	P	P	P	P	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									
<i>The 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:</i>									
Zoning District	AG	RR	R-1 R-2 MH	R-3	LC	GC	CBD	LI	GI
Square Feet of Signage per Linear Foot of Frontage	N/A	N/A	N/A	N/A	1.0	2.0	1.0	2.0	2.0
Maximum Total Square Feet	(1)	(2)	(3)	(3)	200	400	200	400	400

Notes (for numbers in parentheses):

- (1): One hundred square feet for civic or commercial uses, four square feet for residential uses, including home occupations.
- (2): Four square feet for residential uses, including home occupations; civic uses shall have a minimum of thirty-five square feet and maximum of seventy-five square feet pursuant to the setback amounts as set forth in Table 10-3, which square footage allowances shall be in addition to square footage allowances for attached premises identification signs for civic uses.
- (3): Seventy-five square feet for project identification signs for multi-family or mobile home developments and for civic uses, four square feet for residential uses, including home occupations.

SIGN REGULATIONS

TABLE 10-3: PERMITTED SIGNS BY NUMBERS, DIMENSIONS, AND LOCATION								
<i>Each individual sign shall comply with the regulations for maximum quantity, maximum size, minimum setbacks, and height limits shown in this table:</i>								
Zoning District	AG	RR R-1 R-2 MH	R-3	LC (1)	GC (1)	CBD	LI	GI
Detached Signs:								
Number Permitted:								
Per Premise	1	1	1	N/A	N/A	1	N/A	N/A
Per Feet of Frontage	N/A	N/A	N/A	1 Per 200	1 Per 200	N/A	1 Per 200	N/A
Maximum Size* (Square Feet)	100*	35-75*	75*	100	200	100	200*	300*
Maximum Height (Feet)	25	10	10	25	35	25	25	35
Front Yard Setback (Feet)	25	5	10	10	5	0	5	0
Side Yard Setback (Feet)	10	10	10	10	5	0	5	0
Attached Signs:								
Maximum Size* (Square Feet)	100	32*	75*	100	150	100	200	300
Percent of Street Facade	N/A	N/A	N/A	20%	25%	20%	25%	25%

* For those uses only permitted a sufficient maximum sign area in Table 10-2.

- (1) Within its total permitted sign area, each premises used for a business center may have one additional detached business center identification sign, subject to the following conditions:
 - a. The maximum area for a business center identification sign shall be 150 square feet.
 - b. No business center identification sign shall be within 300 feet of any other business center identification sign or within 150 feet of any other detached sign on the same or adjacent premises.
 - c. The sign shall display no more than the name and location of the business center.
 - d. Each sign shall be subject to all other regulations for detached signs or graphics set forth in this Article.
 - e. Maximum size for detached signs and attached signs shall be thirty-five square feet except for civic uses only. As to signs for civic uses, the following shall apply, to-wit: signs within a 5' – 10' setback a maximum of thirty-five square feet; over 10' – 20' setback a maximum of fifty square feet shall apply; over 20' setback a maximum of seventy-five square feet shall apply, all of which shall be in addition to attached premises identification signs permitted square footage as provided in this article.

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**ARTICLE ELEVEN
NONCONFORMING DEVELOPMENT**

11-1101 Purpose

Article Eleven 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.

11-1102 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.

11-1103 Nonconforming Lots

- A. Pre-Existing Lots of Record:
 - 1. Single Lots: Nonconforming lots of record existing at the time of the adoption of this Ordinance 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 Ordinance. Any variance of yard requirements or other site development regulations shall be granted only through action of the Board of Adjustment, consistent with the procedures, criteria, and requirements of Article Twelve.
 - 2. Adjacent Lots in Single Ownership: If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record on the effective date of this Ordinance, and if all or part of the lots do not meet the minimum lot area and lot width requirements in their respective zoning districts, the land involved shall be considered to be an undivided parcel for the purposes of this Ordinance. No portion of such parcel shall be used or sold in a manner that diminishes compliance with the minimum lot area and lot width requirements, nor shall any division of any parcel be made which creates lots which do not comply with such requirements.
- 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.

11-1104 Nonconforming Structures and Improvements

These regulations apply to buildings, structures, and parking facilities which were constructed legally under regulations in effect before the effective date of this Ordinance.

- A. Continuation: A lawful nonconforming structure existing on the effective date of this Ordinance may be continued, repaired, maintained, or altered, subject to the provisions of this Section.
- 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 percent 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 ten 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. Additions or Enlargements to Nonconforming Parking Lots: A lawful nonconforming parking facility or off-street parking lot may be added to or enlarged only if the addition is paved to conform with design standards in Section 11-906.
- D. 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.
- E. 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, provided that such repair begins within a period of six months from the date of the damage. Repair and reconstruction within the designated floodplain shall be in conformance with floodplain development regulations.
- F. Conversion of a Conforming Building: A conforming building shall not be changed in any way that will result in a nonconforming development.
- G. Applicability of Landscaping and Screening Regulations: A pre-existing structure, building, or development shall be exempt from Article Eight, 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 this Ordinance shall be subject to Article Eight.

11-1105 Nonconforming Uses

1. Continuation of Nonconforming Uses: Any nonconforming use lawfully existing on the effective date of this Ordinance may continue, subject to the limitations of this Section.
2. Enlargement of Nonconforming Uses: A building or structure housing a lawful nonconforming use may not be added to or enlarged, except as provided below:
 - A. Single-family residential uses.
 - B. Multiple-family residential uses, provided that no enlargement or accumulation of enlargements may exceed 25 percent of its floor area on the effective date of this Ordinance and that any such enlargement requires the approval of the Planning Commission, following the procedures for Special Use Permits set forth in Article Twelve.
3. Abandonment of Nonconforming Use:
 - A. If any structure or property used as a lawful nonconforming use becomes vacant or unused for a continuous period of one year, any subsequent use must conform to all use regulations applicable to the property's zoning district.
 - B. Any property on which a nonconforming use is replaced by a conforming use shall thereafter conform to all regulations for the zoning district. Following such replacement, no nonconforming use shall thereafter be resumed or established.
4. Modification or Change of Use:
 - A. Any nonconforming use may be extended throughout any parts of a building that were clearly designed for such use and were in existence on the effective date of this Ordinance. However, no use shall be expanded to occupy any land or space outside such building or area.
 - B. A lawful nonconforming use may be changed to another nonconforming use provided that no structural alterations are made, subject to approval by the Planning Commission following the Special Use Permit procedures set forth in Article Twelve. In order to approve such a change of use, the Commission must find that the proposed use is equally or more consistent than the current use with the purposes of the zoning district and the uses lawfully permitted within it. In permitting such change, the Commission may require appropriate conditions and safeguards in accord with the provisions of this Ordinance.
5. Allowance for Repairs: Repairs and maintenance of a structure occupied by a nonconforming use may be made, provided that no structural alterations are made, subject to the following conditions:
 - A. Any work must be done during any period of 12 consecutive months.
 - B. The cost of repairs shall not exceed 25 percent of the current replacement cost of the nonconforming use or its associated structure.
 - C. If a nonconforming structure or structure containing a nonconforming use becomes physically unsafe or unlawful due to a lack of repairs and is declared as such by any duly authorized official, it shall not thereafter be restored, repaired, or rebuilt except in conformance with the regulations of its zoning district.

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- D. Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any building or part thereof declared unsafe by any official charged with protecting the public safety.
 - E. Nothing in this Ordinance shall prevent a nonconforming commercial feedlot from upgrading its operation to reduce odors, improve sanitation, increase insect and rodent control, improve drainage, or make other environmental improvements. Nothing in this Ordinance shall prevent a nonconforming commercial feedlot from performing alterations or additions to its facilities so long as the total area of confined feeding and holding facilities is not increased.
6. **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 percent of the replacement cost of the structure, it shall not be restored, rebuilt, or repaired unless it is made to conform with the regulations of the district in which it is located; provided that structures appurtenant to Agricultural Uses in the AG District may be repaired or rebuilt in the case of damage caused by fire or natural disaster.
7. **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 Twelve.

ARTICLE TWELVE
ADMINISTRATION AND PROCEDURES

11-1201 Purpose

The Administration and Procedures provisions establish the methods for implementation of this Zoning Ordinance. These provisions include procedures for reviewing specific uses within certain zoning districts; amending this Zoning Ordinance; and granting variances.

11-1202 Site Plan/Traffic Flow Review Procedure

- A. Purpose: The Site Plan and Traffic Flow Review Procedure provides for the administrative review in addition to plan review required by sections of this Zoning Ordinance or the Schuyler City 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 Planning Commission or its 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.
- C. Uses Requiring Site Plan Review: The following selected uses shall follow the Site Plan review procedure prior to the issuance of a building permit, unless they are otherwise subject to a Special Use Permit procedure for specific zoning districts:
 - 1. Multiple-family residential developments with 20 or more dwelling units; or multiple-family or townhouse residential developments with more than one building per lot.
 - 2. Educational facilities.
 - 3. Automotive washing.
 - 4. Automotive sales.
 - 5. Any use including drive-in services. Drive in services involve the dispensing of products or services from a service window directly to the customer, who remains in a vehicle.
 - 6. Coffee Kiosk
 - 7. Mobile Food Vendor
 - 8. Any commercial, industrial, or office building providing over 10,000 square feet in building area.
 - 9. Any commercial use providing over a 100-person capacity or providing over 10,000 square feet in building area.
 - 10. 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 Building Official. The application shall include the following information:
 - 1. Name and address of the applicant.
 - 2. Owner, address, and legal description of the property.

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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 utility and site improvements, including sewers, utilities, service areas, lighting, communication apparatus, fencing, screening, and landscaping.
 - e. A traffic flow plan, including the location of all parking and loading areas, pedestrian and vehicular access, driveways, service and loading areas, and sidewalks.
 - f. Location of any major site feature, including drainage and contours at no greater than five foot intervals.
 - g. Any other information that may be required for review by the Building Official.
- E. Administrative Action and Appeal: The Planning Commission or its designee must act upon each complete application within 15 working days of filing. Failure to act within this period shall be considered approval of the Site Plan, provided that such plan does not otherwise conflict with any other existing ordinance or law affecting the subject property. An applicant may appeal a denial to the Board of Adjustment within ten 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 Planning Commission or its designee (or the Board of Adjustment in case of appeal) shall review and approve the site plan based on the criteria established in Table 12-1 at the end of this Article and conformance with applicable regulations in this Zoning Ordinance.
 2. The Planning Commission or its designee (or the Board of Adjustment in case 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 at the end of this Article.
 - 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 Ordinance.
- G. Modification of Site Plan: The Planning Commission or its designee (or the Board of Adjustment in case 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; reduction of the amount of impervious surface coverage of the site with buildings or paved surfaces; improvement of access or circulation; rearrangement of structures on the site; or other modifications deemed necessary to protect the public health, safety, or welfare.

- 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 Planning Commission or its 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 at the end of this Article.
 - 3. The Planning Commission or its 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.
- I. Approval to Run with Land: An approval pursuant to this section shall run with the land until the expiration date of such approval.

11-1203 Special Use Permit Procedure

- A. Purpose: The Special Use Permit Procedure provides for public review and discretionary Planning Commission review and City Council approval for uses within zoning districts which have unusual site development or operating characteristics that could adversely affect surrounding properties.
- B. Approval Authority: The Planning Commission shall review and evaluate each application and transmit its recommendation to the City Council. The City Council shall review, evaluate, and act upon all applications submitted pursuant to this procedure.
- C. Application Requirements: An application for a Special Use Permit may be filed by the owner(s) of a property or the owners' authorized agent with the City Clerk. 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 two-foot intervals.

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5. Any graphic information, including elevations or other drawings, necessary to describe the proposed use to the Commission.
 6. Any other information that may be required for review by the Commission.
- D. Approval Process:
1. Notice: Prior to consideration of an application for a Special Use Permit by the Commission, notice of public hearings shall be provided as follows:
 - a. Posted Notice: A notice shall be posted in a conspicuous place on or near the property on which action is pending. Such posted notice shall not be less than 18 inches in height and 24 inches in width with black letters no less than 1.5 inches in height printed on a white or yellow background. It shall be so placed upon such premises that is easily visible from the street nearest the premises and shall be so posted at least ten 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.
 - b. Publication: At least ten days prior to the date of hearing, the City Clerk shall have published in a weekly newspaper having a general circulation in the City of Schuyler a Notice of the time, place, and subject matter of such hearing.
 - c. Notification: At least ten days prior to the date of hearing, the applicant shall present to the City Clerk a certified list those persons who own property within 300 feet of the subject site. The City Clerk shall mail a Notice of the time, place, and subject matter of the hearing to such property owners at least one week prior to the date of the hearing.
 2. Action: The Planning Commission, following proper notice, shall hold a public hearing on each application for a Special Use Permit and, within 30 days after such public hearing, shall recommend action upon the application to the City Council. The applicant may appear in person, by agent, or by attorney at the public hearing.
 3. The City Council, after publication and public hearing, shall act on the Special Use Permit. If the Planning Commission recommends denial of the Special Use Permit, then a favorable vote of 75 percent of the members of the City Council is required for approval. The City Council may apply any reasonable conditions to the approval of the permit.
- E. Criteria for Review: The Planning Commission and the City Council shall review and approve the issuance of a Special Use Permit based on the criteria established in Table 12-1 at the end of this Article and conformance with applicable regulations in this Zoning Ordinance.
- F. Scope of Approval: A Special Use Permit shall run with the land. However, the City Council may, at its discretion, apply a Special Use Permit to a specific owner or applicant.
- G. Lapse and Revocation of Permit:
1. A Special Use Permit shall become void six months after its effective date if the applicant has not begun construction on the proposed project; or one year after its effective date if the applicant has not completed development or occupancy.
 2. The City Council may, at its discretion, grant extensions to the expiration period of the Special Use Permit. In addition, a longer completion time may be granted initially as a part of the Special Use Permit approval. The City Council's reasons for disapproving an extension shall be provided in writing to the applicant.

3. The City Council may revoke a Special Use Permit following a public hearing should the operation of the use subject to such permit violate the conditions under which the permit was granted.
- H. Previously Approved Permits: Any special use approved under regulations in effect before the effective date of this Ordinance shall be considered to have a valid Special Use Permit, subject to requirements imposed at the time of its approval.

11-1204 Procedures to Amend the Zoning Text or Map

- A. Purpose: These Amendment Procedures describe the methods by which changes may be made in the text of the Zoning Ordinance (text amendment) 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 a rezoning shall be filed with the Building Official. 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, or other drawings, necessary to describe the proposed use to the Planning Commission and the City Council.
- D. Amendment Process:
1. The Planning Commission, following proper 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.
 2. The City Council, after proper notice and publication, shall hold a public hearing and shall act on the proposed amendment.
- E. Required Notice and Publication: Prior to consideration of amending, supplementing, changing, modifying, or repealing this Ordinance by the City Council, notice of public hearings held by the Commission and the City Council shall be provided as follows:
1. Notice: A notice shall be posted in a conspicuous place on or near the property on which action is pending. Such posted notice shall not be less than 18 inches in height and 24 inches in width with black letters no less than 1.5 inches in height printed on a white or yellow background. Such posted notice shall be so placed upon such premises that is easily visible from the street nearest the premises and shall be so posted at least ten 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.

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2. Publication: At least ten days prior to the date of hearing, the City Clerk shall have published in a newspaper having a general circulation in the City of Schuyler a Notice of the time, place, and subject matter of such hearing.
 3. Notification: At least ten days prior to the date of hearing, the party initiating the rezoning request shall present to the City Clerk a certified 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 one week prior to the date of the hearing.
 4. Notification of Nonresident Owners of Record: If the record title owners of any lots included in a rezoning are not residents of the City of Schuyler, the City Clerk shall mail written notices of all public hearings by certified mail, addressed to their last known address, at least ten days before such hearing.
 5. Notification of School District: The City Clerk shall mail notice of the time, place, and subject matter of the hearing to the Administrative Official and/or Chairperson of the Board of Education, within whose boundaries the site is located. Each school district to be affected by such rezoning proposal shall be notified of the next Planning Commission meeting at which such rezoning will be considered. The notification shall be submitted to the applicable official and/or Board of Education at least ten days prior to the date of such meeting.
- F. Protest: A properly prepared petition signed by adjacent property owners shall require a three-fourths vote of all members of the City Council to approve the rezoning action. A protest shall be valid if one of the following conditions is met:
1. A petition is signed by the owners of 20 percent or more of the area of lots included within the proposed rezoning.
 2. A petition is signed by the owners of 20 percent or more of the area of the lots bordering on the site of the rezoning application and within 300 feet of the site, including those lots along a local street and opposite from the site.

11-1205 Extension of the Extra-Territorial Jurisdiction

Upon the extension of the two-mile Extra-Territorial Jurisdiction, the City Council with the recommendation of the Planning Commission shall zone properties within the newly established Jurisdiction concurrent with adoption of the Ordinance amending the two-mile Extra-Territorial Jurisdiction. The zoning shall consider the Comprehensive Development Plan for the City of Schuyler and the present use of the land.

11-1206 Building Permits and Certificates of Zoning Compliance

- A. Administration and Enforcement:
1. The Building Official shall administer and enforce this Ordinance. The City Council may direct other persons to assist him/her.
 2. If the Building official shall find that any of the provisions of this Ordinance 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 the 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 this Ordinance to ensure compliance with and to prevent violation of its provisions.

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- B. Building Permits Required: No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefore, issued by the Building Official. No building permit shall be issued by the Building Official except in conformity with the provisions of this Ordinance, unless he/she receives a written order from the Board of Adjustment in the form of an administrative review or variance as provided by this Ordinance.
- C. Application for Building Permit:
1. 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 Building Official, including existing or proposed buildings 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, this Ordinance.
 2. One copy of the plans shall be returned to the applicant by the Building Official, after he/she shall have marked such copy either as approved or disapproved and attested to same by his/her signature on such copy.
- 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 or structure until a certificate of zoning compliance shall have been issued therefore by the Building Official stating that the proposed use of the building or land conforms to the requirements of this Ordinance.
- E. Expiration of Building Permit: (See Municipal Code Section 150.05)
- 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 Building 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 a violation of this Ordinance, and punishable as provided by Section 1214 hereof.

11-1207 Schedule of Fees, Charges, and Expenses

- A. 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 this Ordinance.
- B. The schedule of fees shall be posted in the office of the City Clerk, and may be altered or amended only by the City Council.
- C. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

11-1208 Board of Adjustment

- A. Establishment:
1. A Board of Adjustment has been established pursuant to the provisions of City of Schuyler Municipal Code § 32.018 . The provisions of that section shall be applicable herein. In the

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event that there is a conflict between what is set forth in Municipal Code § 32.018 and the provisions herein, the provisions at Municipal Code § 32.018 shall take precedence.

2. The Board of Adjustment may adopt rules and regulations in accordance with this Ordinance and the laws of the State of Nebraska pursuant to Sections 19-901 through 19-914 of the Nebraska revised statutes. At the meeting of the Board of Adjustment, evidence may be taken on the issues that come before the Board. The chairman, or in his or her absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings and records shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member on each question, or if absent or failing vote, indicating such fact. The Board shall keep a record of its examinations and other official actions, all of which shall be immediately filed with the office of the City Clerk and shall be a public record.

B. Procedure for Appeals:

1. Appeals shall be made to the Board of Adjustment within 30 days of the cause of the appeal. Appeals should be filed with the office of the City Clerk on a written form as determined by the City Clerk. The decision of the Building Official shall be part of the application for an appeal. Upon the filing of the appeal, the Board shall fix a reasonable time for the hearing of the appeal and shall decide the appeal within 30 days of the date of the public hearing. An appeal stays all proceedings in furtherance of the action, unless the Building Official certifies to the Board of Adjustment that by reason of the facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by the District Court on notice to said officer and on due cause shown.
2. In addition to filing the written appeal form, the party appealing shall also provide the City Clerk with a list of all individuals, partnerships, or corporations owning real estate within 300 feet of the parcel of real estate affected by the appeal or proposed variance. This list shall include the name of the property owner, a description of the property owned, and the last known address. This list shall be certified by a registered abstractor. Cost of providing this list shall be borne by the party appealing. The City of Schuyler may also establish a fee to be paid when filing an appeal.
3. Upon the filing of the appeal and the list of property owners, the City Clerk shall set a date for the hearing, and mail notices of the hearing and the proposed variance to all affected property owners whose names have been previously provided as set forth herein. This notice shall be sent by regular mail, postage prepaid, and shall be mailed at least ten days prior to the date established for the hearing. The clerk shall also notify, in the same manner, all regular and alternate members of the Board of Adjustment.
4. In determining the owners of property within 300 feet of the property affected by the appeal or the proposed variance, it is intended that only those property owners within 300 feet directly affected by the appeal or the proposed variance be notified. In other words, if appeal or the proposed variance affects the entire parcel of real estate, then the 300-foot radius should be drawn around the entire parcel. If, however, the proposed appeal or variance affects only one side of the lot affected, then only property owners within 300 feet of the boundary lines on that side need be notified. The City Clerk shall help the party appealing determine which area is affected by the appeal or variance, but the final determination as to whether or not proper notice was given shall be with the Board of Adjustment.
5. Upon the public hearing, any party may appear in person or by agent or attorney. The concurring vote of four out of five members of such board as so composed shall be necessary to reverse any order, requirement, decision, or determination of any administrative official, or to decide in favor of the appellant on any matter upon which it is required to pass under any Zoning Ordinance, or to effect any variation in such Ordinance.

11-1209 Powers and Duties of the Board of Adjustment

The Board of Adjustment shall have only the following limited powers and duties:

- A. Administrative Review: To hear and decide appeals where it is alleged there is error in any order, requirement, decisions, or determination made by the Building Official in the enforcement of this Ordinance or any regulation relating to the location or soundness of structures.
- B. Interpretation of Zoning Map: To hear and decide, in accordance with the provisions of any zoning regulation, requests for interpretation of any map.
- C. Variances to Relieve Hardships Relating to Property: To authorize, upon appeal, limited variances from the strict application of this Ordinance where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the zoning regulations; or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, such strict application would result in peculiar and exceptional practical difficulties to or exceptional and undue hardships upon the owner of such property.
 - 1. Statutory Requirements for Grant of a Variance: No such variance shall be authorized by the Board unless it finds that:
 - a. Strict application of the Zoning Ordinance will produce undue hardship.
 - b. Such hardship is not shared generally by other properties in the same zoning district and in the same vicinity.
 - c. The authorization of such variance will not be of substantial detriment to adjacent property; and the character of the district will not be changed by the granting of the variance.
 - d. The granting of such variance is based upon reason of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit, or caprice.
 - e. The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable a general regulation to be adopted as an amendment to this Zoning Ordinance.
 - 2. Findings by Board: The Board of Adjustment shall make findings that the requirements of Section 11-1209.C.1 have been met by the applicant for a variance.
 - 3. Conditions for Grant of Variance:
 - a. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under Section 11-1214 of this Ordinance.
 - b. Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.
 - c. No non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

- D. Board has Powers of Building Official on Appeals - Reversing Decisions of Building Official:
1. In exercising the above-mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decisions, or determination as ought to be made, and to that end shall have the powers of the Building Official from whom the appeal is taken.
 2. The concurring vote of four members of the Board shall be necessary to reverse any order, requirements, decision, or determination of the administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to effect any variation in the application of this Ordinance.

11-1210 Appeals from the Board of Adjustment

Any person or persons, or any board, taxpayer, officer, department, board, or bureau of the City aggrieved by any decision of the Board of Adjustment may seek review of such decision by the District Court for the County in the manner provided by the laws of the State and particularly by 19-912 R.R.S. 1943 (Reissue 1991), and amendments thereto.

11-1211 Duties of Building Official, Board of Adjustment, City Council, and Courts on Matters of Appeal

- A. It is the intent of this Ordinance that all questions of interpretation and enforcement shall be first presented to the Building Official, and that such questions shall be presented to the Board of Adjustment only on appeal from the decision of the Building Official, and that recourse from the decisions of Board of Adjustment shall be to the courts as provided by law.
- B. Under this Ordinance, the City Council shall have only the duties of:
 - 1. Considering and adopting or rejecting proposed amendments, or the repeal of this Ordinance as provided by law, and
 - 2. Establishing a schedule of fees and charges as stated in Section 11-1207 of this Ordinance.

11-1212 Severability Clause

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

11-1213 Complaints Regarding Violations

Whenever a violation of this Ordinance 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 Building Official. He/she shall record properly such complaint immediately, investigate, and take action thereon as provided by this Ordinance.

11-1214 Penalties for Violation

- A. Violation of the provisions of this Ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.
- 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.

TABLE 12-1: CRITERIA FOR SITE PLAN REVIEW AND SPECIAL USE PERMITS

		APPLICATION TO	
		Site Plan Review	Special Use Permit
CRITERIA			
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 manmade 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 the use.	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, as well as measures to detain excessive runoff.	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

TABLE 12-1: CRITERIA FOR SITE PLAN REVIEW AND SPECIAL USE PERMITS

		APPLICATION TO	
		Site Plan Review	Special Use Permit
CRITERIA			
Operating Characteristics			
Traffic Capacity	Project should not reduce the existing level of traffic service 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 highways, surrounding streets and less-intensive land uses.	X	X
Public Facilities			
Sanitary Waste Disposal	Developments within 500 feet of a public sanitary sewer must connect to sewer system. Individual disposal systems, if permitted by local and state officials, shall not adversely affect public health, safety, welfare, or the environmental water quality of affected watercourses or groundwater quality.	X	X
	Sanitary sewer must have adequate capacity to serve development. Conversely, developments should be sited in conformance with the Comprehensive Plan for cost-effective sewer service.	X	X
Storm Water Management	Development should handle storm water adequately to prevent overloading of public storm water management system.	X	X
	Development that increases the impervious surface coverage of a site should incorporate measures to retain, detain, and slow the release of a portion of site runoff. Such measures should be undertaken to avoid compounding flood problems with additional rapid, peak discharges of storm water.	X	X
	Development of a site 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
Water Supply	Development should not introduce the risk of potentially hazardous land use types or land use practices to areas that lie above municipal wellfields, or to related areas that could potentially affect the quality of the draw of local groundwater supplies.	X	X
Utilities	Project must be served by utilities.	X	X
Comprehensive Plan	Projects should be consistent with the Comprehensive Development Plan for the City of Schuyler.		X

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ARTICLE ONE
GENERAL PROVISIONS

12-101 Title

This ordinance shall be known as the Subdivision Chapter of the Land Development Ordinance of the City of Schuyler.

12-102 Authority and Purpose

A. Authority:

This ordinance is adopted pursuant to the authority granted the City of Schuyler under Section 14, Revised Statutes of the State of Nebraska, enabling cities of the First Class to regulate the development of land within their jurisdictions and to promote good planning practice.

B. Purposes:

The purposes of this chapter are to:

1. Serve the public health, safety, and general welfare of the city and residents of Schuyler and its surrounding jurisdiction.
2. Provide for the orderly development and growth of the city by prescribing rules and standards insuring the functional arrangement of streets, public improvements, open spaces, community facilities, and utilities.
3. Promote the creation of well-planned and attractive residential, commercial, and industrial developments within the city and its jurisdiction.
4. Avoid excessive costs to the taxpayers of Schuyler or the residents of the jurisdiction of the city for the provision of public services and utilities, while maintaining high standards for these services.
5. Protect the unique environment of the City of Schuyler by avoiding environmental damage whenever feasible and appropriate; and by encouraging flexibility in the design of subdivisions.
6. Provide the City of Schuyler with the ability to grow incrementally through the eventual annexation of new developments.

12-103 Relationship to the Comprehensive Development Plan

- A. The City of Schuyler intends that this Subdivision Chapter and any amendments to it shall be consistent with the City's Comprehensive Development Plan. Should this ordinance become inconsistent with the adopted Comprehensive Development Plan because of subsequent amendments to that plan, it is the city's intent to amend this ordinance to bring it into conformance with the plan.
- B. The Subdivision Chapter shall supplement and facilitate the provisions of the Comprehensive Development Plan, the Zoning Ordinance, the Official Zoning Map, and the City of Schuyler Capital or General Fund Budget.

12-104 Jurisdiction and Applicability

- A. The provisions of this chapter shall be applicable to all property within the corporate limits of the City of Schuyler and its two-mile extra-territorial jurisdiction as provided by Section 14, Revised Statutes of Nebraska, 1943.

GENERAL PROVISIONS

- B. No owner of real property within the City of Schuyler and its jurisdiction may subdivide or plat such property into lots for buildings or any other use, streets, or other forms of dedication for public use without gaining approval pursuant to this ordinance. In addition, no individual may sell, offer to sell, or construct buildings on any lots or parts of real property that are not subdivided as required by state law or this ordinance.

12-105 Amendment

When necessary, this ordinance may be amended through public hearing and recommendation by the Planning Commission to the City Council. The City Council shall then hold its own independent public hearing and action on amendments. If the Planning Commission recommends denial of an amendment, then a favorable vote of 75 percent of the members of the City Council is required for approval.

12-106 Fees

The City Council of the City of Schuyler may establish reasonable fees sufficient to recover costs incurred for the processing and review of subdivision applications and other procedures included within this ordinance.

12-107 Enforcement

The administrative official shall enforce the provisions of this ordinance and shall bring violations or lack of compliance to the attention of the Planning Commission, City Council, or other appropriate agency.

12-108 Penalties

- A. Violation of the provisions of this ordinance shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00 and shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.
- B. An owner, developer, or subdivider of property; any agent thereof, or any 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 provided in this section.
- C. Notwithstanding this section, the city and the administrative official shall have the right to take any lawful action necessary to prevent or remedy any violation of this ordinance or any agreement pursuant to or other condition of an approval of a subdivision application.

12-109 Interpretation, Conflict, and Severability

- A. The Subdivision Chapter shall be held to provide the minimum requirements necessary for the promotion of the public health, safety, and welfare. If any provision of the Subdivision Chapter conflicts with any other provision of the Land Development Ordinance, any other ordinance of the City of Schuyler, or any applicable state or federal law, the more restrictive provision shall apply.
- B. 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.
- C. If any chapter, section, subsection, clause, or phrase of this Subdivision Chapter is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance or any other section of the City of Schuyler's Land Development Ordinance.

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2 **ARTICLE TWO**
DEFINITIONS

12-201 **Purpose**

Article Two 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 section or where the context of such words or phrases clearly indicates a different meaning or construction.

12-202 **Definitions 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 meanings or meanings implied by their context shall apply.

12-203 **A**

1. **Administrative Official:** The designee of the City Council responsible for the supervision and administration of the Subdivision Ordinance of the City of Schuyler. Unless another individual is formally appointed to this role, the City Clerk is hereby to serve as such designee.
2. **ADT or Average Daily Traffic:** The average number of motor vehicles per day that pass over a given point or segment of street.
3. **Alley:** A public or private right-of-way generally designed to provide secondary access to the side or rear of a property whose principal frontage is on another street.
4. **Applicant:** An owner, developer, or subdivider submitting an application to divide property pursuant to this ordinance.
5. **Approving Authority:** The Planning Commission and City Council of the City of Schuyler.
6. **ASCE:** The American Society of Civil Engineers.

12-204 **B**

1. **Bicycle Lane and Path:** A designated lane on a roadway or an exclusive path separated from a roadway, designed specifically to accommodate the physical requirements of bicycling. Bicycle paths are ordinarily designed to accommodate other forms of pedestrian recreation.
2. **Buffer:** A landscaped area intended to separate and partially obstruct visual or other sensory effects of two adjacent land uses or properties from one another.

12-205 **C**

1. **Cartway:** The actual road surface (between curblines) used to accommodate motor vehicles, including moving traffic lanes, acceleration and deceleration lanes, and parking lanes. On a street with curbs, the cartway is measured from curbline to curbline. On streets without curbs, the cartway is measured between the outside edges of the established road surface.
2. **Centerline Offset:** The gap between the centerline of roads intersecting a common road from the same or opposite sides.
3. **Channel:** The bed or banks of a natural stream or drainageway which convey the constant or intermittent flow of water, including storm run-off.

DEFINITIONS

4. 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.
5. Cluster Subdivision: A wholly or principally residential subdivision that permits a reduction in lot area, setback, or other site development regulations, provided a) there is no increase in the overall density permitted for a conventional subdivision in a given zoning district, and b) the remaining land area is used for common space.
6. 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.
7. Comprehensive Plan: The Comprehensive Development Plan of the City of Schuyler.
8. Concept Plan: A preliminary presentation, including any necessary documentation, of a proposed subdivision, providing adequate information for the purpose of discussion or classification.
9. 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.
10. 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. Types of Creative Subdivisions include Cluster Subdivisions and Traditional Neighborhood Districts.
11. Cul-de-sac: A local street with only one outlet and with an opposite end providing for the reversal of traffic.
12. Curb: A vertical or sloping edge of a roadway, intended to define the edge of the cartway and to channel or control drainage.

12-206 D

1. Dedication: A grant of land to the City or another public agency for a public purpose.
2. Design Standards: Standards that set forth specific improvement requirements.
3. Detention Basin: An artificial or natural water collection facility, designed to collect surface or groundwater and to control its rate of discharge, in order to prevent a net increase in the rate of water flow that existed prior to a development.
4. Developer: The legal or beneficial owner(s) of any land included in a proposed development.
5. Development: A planning or construction project involving substantial improvement or change in the character and/or land use of a property.
6. Divided Street: A street whose moving lanes in opposite directions is separated by a physical barrier such as a median.
7. Drainage: The removal of surface or ground water from land by drains, grading, or other means.
8. Drainage System: The system through which water flows from the land.

DEFINITIONS

12-207 E

1. Easement: A right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose and which the owner must maintain free of structures which obstruct or limit its use for such purpose.
2. Erosion: The wearing away of a land surface by water, wind, ice, or gravity.

12-208 F

1. Final Approval: The final official action of the City Council, upon a recommendation by the Planning Commission, permitting the filing of a subdivision with the Colfax County Register of Deeds and the conveyance of individual parcels and lots to subsequent owners. Final Approval follows the completion of detailed engineering plans, negotiation of subdivision agreements, posting of required guarantees, and other requirements of this Ordinance.

12-209 G

1. Grade: The slope of a street or other public way, defined as a percentage or ratio of vertical change in elevation to horizontal change in distance.

12-210 H

12-211 I

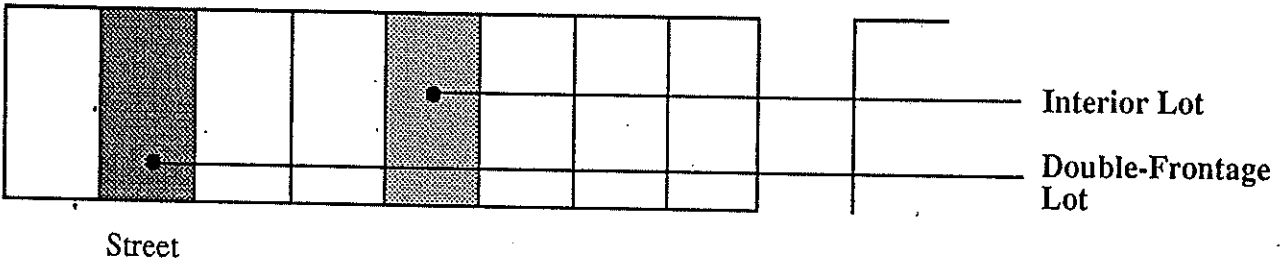
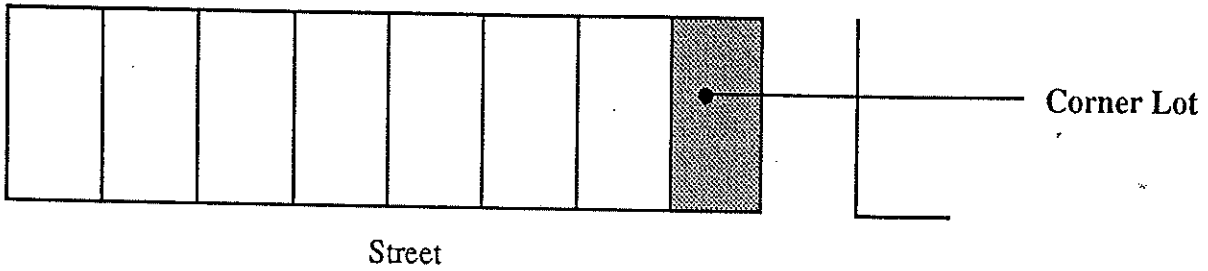
12-212 J

12-213 K

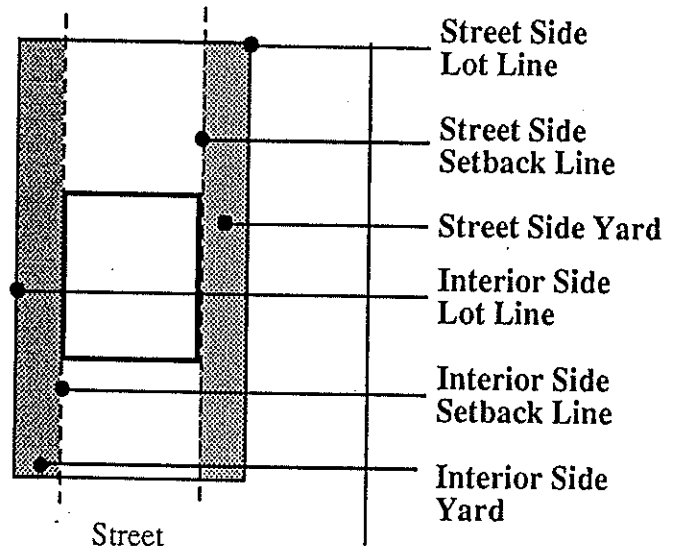
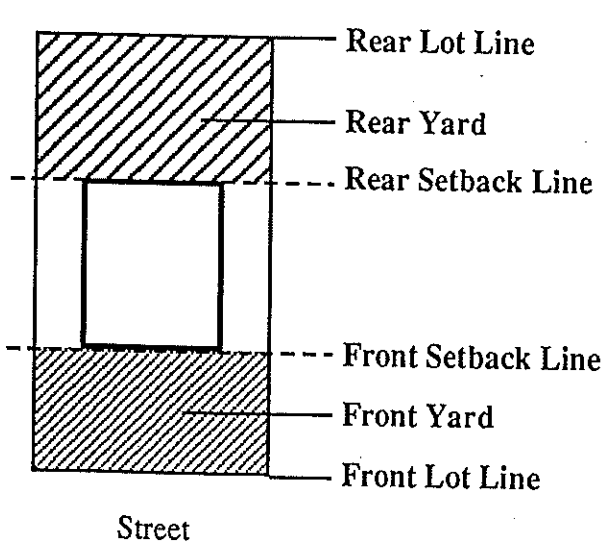
12-214 L

1. Lot: A parcel of real property with a separate and distinct number or other designation shown on a plat, record or survey, parcel map, or subdivision map recorded in the office of the Colfax County Register of Deeds. A lot is ordinarily established for the purpose of transfer of title and/or development.
2. Lot Area: The size of a lot measured within its boundaries and expressed in terms of square feet or acres.
3. Lot Frontage: The portion of a lot extending along a street line.

Lot Types



Yards



Street

DEFINITIONS

12-215 M

1. **Main:** The principal artery of a system of continuous piping which conveys fluids and to which branches may be connected.
2. **Major Subdivision:** Any subdivision not defined and approved as a minor subdivision.
3. **Minor Subdivision:** A subdivision of land which creates no more than four lots from any single parcel of land; requires no extensions of streets, sewers, utilities, or other municipal facilities; and complies with all pre-existing zoning requirements following subdivision.
4. **Moving Lane:** Any traffic lane within a cartway where traffic movement is the primary or sole function.

12-216 N

1. **Notice:** Proper notice for a hearing on an application for subdivision is defined as: notice published one time, in a legal newspaper published in Schuyler, no less than seven days prior to the date of the proposed hearing.

12-217 O

1. **Off Site:** Located outside the boundaries of the parcel that is the subject of an application.
2. **Open Space:** Any parcel or area of land or water that is essentially retained in an open state and set aside for public or private use.

12-218 P

1. **Parking Lane:** A lane located on the sides of streets, designated or allowing on-street parking of motor vehicles.
2. **Pavement:** An impermeable, hard surface, typically asphalt, asphaltic concrete, concrete, or brick or other masonry paver units.
3. **Plat:** A document, usually a map or maps, expressing the division of land into two or more lots or parcels, any one of which is ten acres or less. Plats include preliminary and final plats.
 - A. **Preliminary Plat:** A plat indicating the proposed layout of a development and related information, intended for the purpose of preliminary approval by approving authorities but not for filing with the Colfax County Register of Deeds.
 - B. **Final Plat:** The final map of the subdivision which is presented for Final Approval. The Final Plat contains detailed information and documentation and is designed to be filed with the Register of Deeds.

12-219 Q

12-220 R

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

DEFINITIONS

12-221 S

1. **Sanitary Sewer:** A sewer that conducts sanitary wastes from a point of origin to a treatment or disposal facility. In developing areas, sanitary sewers normally include interceptor, outfall, and lateral sewers.
 - a. **Interceptor:** A sanitary sewer that serves as a trunk, collecting sewage generated by a number of individual developments.
 - b. **Outfall:** A sanitary sewer that may be developed to connect an individual subdivision or development to an interceptor sewer.
 - c. **Lateral or local:** A pipe that connects individual buildings or groups of buildings to an outfall or interceptor sewer.
2. **Septic system:** An underground system, utilizing a watertight receptacle to receive the discharge of sewage, which provides for the decomposition of wastes produced by development on a single lot.
3. **Sidewalk:** A paved path provided for pedestrian use, usually located at the side of and detached from a road, but within the right of way.
4. **Storm Sewer:** A conduit, which conducts storm drainage from a development or subdivision, ultimately to a drainageway or stream.
5. **Street:** A right of way, dedicated to public use, which provides a primary means of access to an abutting lot or parcel.
6. **Street hierarchy:** The conceptual arrangement of streets based on function. The hierarchical approach classifies streets from courts or lanes, which provide private access to a limited number of lots, to arterials, which accommodate large volumes of high-speed, regional traffic. Street types contained within the hierarchy include:
 - a. Court, lane or cul-de-sac
 - b. Local
 - c. Collector
 - d. Community Street
 - e. Arterial
7. **Subdivision:** The division of a lot, tract, or parcel into two or more lots, tracts, parcels, or other units of land for title transfer or development, when one of the resultant lots is equal to ten acres or less.

DEFINITIONS

12-222 T

12-223 U

12-224 V

12-225 W

12-226 X

12-227 Y

12-228 Z

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**ARTICLE THREE
PROCEDURES AND ADMINISTRATION**

12-301 Purpose

The purpose of this article is to establish procedures for subdivision applications and for review and action on applications by the Planning Commission and the City Council. The procedures are designed to assure adequate review and consideration of subdivision applications, while providing for an orderly and expeditious approval process. The article provides procedures for the approval of three types of subdivisions: Administrative Subdivisions, Minor Subdivisions, and Major Subdivisions.

12-302 Administrative Subdivisions

- A. Scope: The Administrative Subdivision procedure may be used when a proposed subdivision meets all of the following conditions:
 - 1. The subdivision adjusts the lot lines of no more than four (4) lots and will create no more than one (1) additional lot.
 - 2. The subdivision is served by existing utilities and does not require the extension of streets, utilities, or public improvements.
 - 3. Each lot resulting from the subdivision procedure will conform fully to all requirements of the zoning district that pertain to the lots; and each lot is developable according to the site development regulations of the zoning ordinance.

- B. Application and Approval Procedure: An application for an Administrative Subdivision may be approved under the following procedure:
 - 1. The applicant shall submit an application on a form established by the Planning Commission and include the supporting documents required for Administrative Subdivisions in Table 3-1. These documents shall include a survey in plat form drawn to scale showing all lots and parcels that are affected by the proposed action. The survey in plat form shall include all structures and buildings located in the affected area where an adjustment of lot lines or one (1) additional lot is proposed together with location and setbacks for all such existing structures. Said plat shall provide a block for acknowledgement by notary of the owners and signatures as required under Table 3-1, including Colfax County Register of Deeds office.
 - 2. Following submission, the City Clerk shall review each application according to the following criteria:
 - a. Compliance with the conditions contained in Section 302A above.
 - b. Consistency with the Comprehensive Development Plan of the City of Schuyler.
 - c. Potential adverse environmental effects or effects on neighboring properties.
 - 3. Following such review, the City Clerk may approve the Administrative Subdivision. Such approval shall be denoted by a signed certificate of approval with the County Clerk of Colfax County, Nebraska. The certificate of approval shall describe the real estate affected, and fully describe the changes made. In the event that the applicant has not completed all necessary provisions of the application or supplemented such documentation for the application as requested by the City Clerk so that final review by the City Clerk can be made within 6 months from the date the initial administrative subdivision application was filed with the City Clerk, then such applicant shall be required to commence the proceedings of the administrative subdivision application by a new separate application and fee as provided within Section 12-302.
 - 4. The City Clerk retains the right to disapprove or not act on the Administrative Subdivision application. In the event of such action, the application may proceed through the Minor or Major

Subdivision process. If the subdivision complies with the conditions of a Minor Subdivision application, it may be directed to that approval process. Otherwise, the proposed subdivision shall be deemed a Major Subdivision and proceed through the appropriate review and action process.

5. The City Clerk shall keep a complete and accurate record of all administrative subdivision approvals.

12-303 Minor Subdivisions

- A. Scope: The Minor Subdivision procedure may be used when a proposed subdivision meets all of the following conditions:
 1. The subdivision adjusts the lot lines of two or more lots without creating additional lots; or creates no more than six lots from any single parcel, tract, or lot.
 2. The subdivision is served by existing utilities and does not require the extension of streets, utilities, public improvements including but not limited to sidewalks and other development infrastructure.
 3. Each lot resulting from the subdivision procedure will conform fully to all requirements of the zoning district that pertain to the lots; and each lot is developable according to the site development regulations of the zoning ordinance.
 4. If the parcel has been the subject of a previous Minor Subdivision or Minor Subdivision approval, the total accumulation of lots shall not exceed six total lots, including any re-plat process.
- B. Application and Approval Procedure: An application for a Minor Subdivision may be approved under the following procedure:
 1. The applicant shall submit an application on a form established by the Planning Commission and include the supporting documents required for Administrative Subdivisions in Table 3-1. These documents shall include:
 - a. A diagram drawn to scale showing all lots and parcels that are affected by the proposed action. The diagram shall include all structures and buildings located in the affected area where an adjustment of lot lines affects setbacks.
 - b. The Planning Commission, at its discretion, may direct the applicant to present a plat of the lot and parcels prepared by a licensed surveyor prior to proceeding with consideration of the application, should the Commission feel this information is necessary and/or helpful.
 2. Following submission, the City Clerk shall evaluate and review each application for:
 - a. Compliance with the conditions contained in Section 303A above.
 - b. Consistency with the Comprehensive Development Plan of the City of Schuyler.
 - c. Potential adverse environmental effects or effects on neighboring properties.
 - d. Effects of the subdivision on public services. In order to determine this effect, the Developer may submit the application to relevant school districts, utilities, and public safety agencies as required.
 3. Following such review, the City Clerk shall forward the application along with his/her recommendation to the Planning Commission.

4. The Planning Commission, following proper notice, shall hold a public hearing on each Minor Subdivision and, following such public hearing, shall take action on the application. If the subdivision is approved by the Planning Commission, the approval shall be documented by a certificate of approval, executed by the Administrative Official and the Chairperson of the Planning Commission. This certificate shall be filed along with the approved plat with the Colfax County Register of Deeds.
5. The Planning Commission retains the right to approve or not to act on the Minor Subdivision application. In the event of such action, the application may proceed through the Major Subdivision Process. In the event an applicant has not properly completed an application to the satisfaction of the Planning Commission in order to allow the Planning Commission to approve, disapprove or not act on the application for a minor subdivision within 12 months from the date the initial application for minor subdivision is filed with the Schuyler City Clerk, then and in that event, such application shall have no force and effect and the applicant shall be required to re-file a new application and begin the process anew. Said new application for Minor Subdivision process shall require all of the preceding application and approval procedures including but not limited to the proper notice and public hearing all as provided in Section 12-303.
6. The City Clerk shall keep a complete and accurate record of all Minor Subdivision approvals.

12-304 Major Subdivisions

- A. Applicability: The Major Subdivision procedures apply to all subdivisions which are not approved or eligible for approval under the Administrative or Minor Subdivision procedures. In general, these include:
 1. Subdivisions that are not approved under the Administrative or Minor Subdivision procedure;
 2. Create more than four lots;
 3. Require development or extension of public improvements.
- B. Stages in the Approval Process: The approval process for Major Subdivisions consists of three stages: the pre-application stage, the preliminary plat approval stage, and the final plat approval stage.
- C. Pre-Application Procedures:
 1. Before filing an application for preliminary plat approval, the applicant shall meet with the City Clerk or his/her designee, regarding general requirements and issues relating to the proposed subdivision.
 2. At the pre-application conference, the applicant shall submit an informal diagram explaining the schematic concept of the subdivision. The diagram shall clearly:
 - a. Show the relationship of the proposed subdivision to existing and proposed streets and public facilities.
 - b. Illustrate the proposed layout of streets, lots, and other features and their relationship to existing and proposed site topography for the total proposed development area.
 3. Within ten working days, the City Clerk shall inform the applicant about the consistency of the concept plan with the objectives and policies of the City's Comprehensive Plan and Land Development Ordinance.
 4. The pre-application conference does not require a formal application or payment of a fee.
- D. Preliminary Plat Application:

PROCEDURES AND ADMINISTRATION

1. **Application Requirements:** After the pre-application conference, the applicant shall prepare and submit an application for preliminary plat approval. The application for preliminary plat approval shall be submitted to the City Clerk at least seven calendar days before the Planning Commission meeting at which the application will be considered. The application shall consist of a form established by the Planning Commission; the supporting documents required for Major Subdivisions in Table 3-1; and payment of a fee, the amount of which shall be determined by the City Council.
2. **Draft Subdivision Agreement:** The preliminary plat application shall include a draft of a subdivision agreement, following a format established by the Planning Commission. The subdivision agreement establishes the mutual responsibilities of city and subdivider, including financing of public improvements; the nature of performance bonds and guarantees that the developer will offer; and the maximum amount of bonded indebtedness to be incurred if public improvements are financed through a Sanitary and Improvement District.
3. **Preliminary Plat Review Procedure:**
 - a. After submission of a complete application for a preliminary plat, the administrative official and his/her staff shall review the application. As part of the review, the developer will circulate the application to local utilities, the school district in which the subdivision is located, the Natural Resources District if deemed necessary, public safety agencies, and any other applicable provider of public services. Each reviewing agency shall submit written comments to the City Clerk within a period which he/she establishes.
 - b. Following the comment period, the City Clerk shall submit a written recommendation for action to the Planning Commission.
4. **Planning Commission and City Council Action:**
 - a. The Planning Commission, following proper notice, shall hold a public hearing on each Major Subdivision and, following such public hearing, shall take action on the application. The Planning Commission may recommend approval, conditional approval, or denial of the preliminary plat to the City Council. In addition, the Commission may delay action on the application in order to resolve outstanding issues.
 - b. Following action by the Planning Commission, the chairman of the Commission shall transmit a written recommendation summarizing the Commission's action to the City Council.
 - c. The City Council, following proper notice, shall hold a public hearing on each Major Subdivision and, following such public hearing, shall take action on the application.
 - d. Approval of a preliminary plat by the City Council shall not constitute approval of a final plat. The approval shall be considered an expression of conditional approval to guide the preparation of a final plat, to be considered subsequently by approving authorities. The preliminary approval shall confer upon the applicant the following rights:
 - (1) The general terms and conditions under which the plat was approved will not change.
 - (2) The applicant may submit for approval a final plat for the whole or a part of the preliminary plat on or before the expiration date of the preliminary approval.

- (3) The preliminary plat approval shall stay in force for a period of one year from the date of approval by the City Council. The City Council may, at its discretion, establish a longer effective date for the preliminary plat approval. The City Council also may grant extensions to the effective period of a preliminary plat.
- (4) Phased Subdivisions: The final plat may be submitted in phases, provided that no phase represents the lesser of 20 lots or 10 percent of the total number of lots in the entire approved preliminary plat. The initial phase of the final plat must be submitted according to the effective dates established in Section (3) above. In the event of a phased subdivision, the initial preliminary plat approval remains effective for a period not to exceed five years, unless otherwise extended by the City Council.
- (5) In the event an application for Major Subdivision has not been completed to the satisfaction of the Planning Commission in order to allow the Planning Commission to take action on the application for a Major Subdivision within 12 months from the date the initial application for Major Subdivision is filed with the Schuyler City Clerk, then and in that event, such application shall have no force and effect and the applicant shall be required to re-file a new application and begin the process anew. Said new application for Major Subdivision process shall require all of the preceding application and approval procedures including but not limited to the proper notices and public hearings all as provided in Section 12-304.

E. Final Plat Application Process:

1. Application Requirements: The applicant shall prepare and submit an application for final plat approval within one year of the preliminary plat approval, unless an extension has been granted by the City Council. The application for final plat approval shall be submitted to the City Clerk at least 21 calendar days before the Planning Commission meeting at which the application will be considered. The application shall consist of a form established by the Planning Commission; the supporting documents required for Final Plat Approval of Major Subdivisions in Table 3-1; and payment of a fee, the amount of which shall be determined by the City Council.
2. Final Subdivision Agreement: The final plat application shall include the final subdivision agreement to be executed between the city and the applicant. The terms of this agreement shall be acted upon along with action on the Final Plat.
3. Performance Bond: The subdivision agreement shall specify the amount of the performance bond for public improvements to be filed prior to receiving final plat approval or, alternatively, shall contain a statement that required improvements have been satisfactorily completed. The performance bond, if required, must be presented in a form satisfactory to the City Attorney prior to final approval of the subdivision.
4. Final Plat Approval:
 - a. The Planning Commission, following transmittal of the written recommendation of the City Clerk, shall review the final plat for consistency with the approved preliminary plat and for compliance with the Land Development Ordinance and other applicable local, state, or federal statutes and regulations. If the final plat meets all conditions of the ordinance and is substantially consistent with the terms of the preliminary plat approval, the Commission shall have no recourse but to approve the final plat.
 - b. If the Planning Commission finds in its review that the submitted final plat is inconsistent with the preliminary plat, does not comply with the conditions of relevant ordinances and statutes, or requires a waiver of any section of the Subdivision

Chapter, it shall hold a public hearing on the final plat. Following such public hearing, the Commission shall transmit its recommendation on the final plat to the City Council.

- c. The City Council, following proper notice, shall hold a public hearing on each final plat and subdivision agreement and, following such public hearing, shall take final action on the application. The City Council is further empowered to grant waivers of a section of the Subdivision Chapter after a waiver request has received a recommendation from the Planning Commission. Any City Council approval that diverges from the recommendation of the Planning Commission shall require the agreement of six members of the City Council.

F. Filing the Final Plat:

1. Following City Council approval of a final plat that received a prior recommendation of approval from the Planning Commission, the Chairman of the Planning Commission and the Mayor of the City of Schuyler shall sign a certificate of approval, which shall be a part of the reproducible mylars of the subdivision plat required with submission of the final plat. If the Planning Commission did not recommend approval of the subdivision, the reasons for denial shall be stated on the certificate of approval.
2. The subdivider must file the plat along with all applicable covenants and other documents within 180 days of the execution of the plat by the Chairman of the Planning Commission and the Mayor.

PROCEDURES AND ADMINISTRATION

TABLE 3-1: APPLICATION REQUIREMENTS

PLAT INFORMATION	ADMINISTRATIVE SUBDIVISION	MINOR SUBDIVISION	MAJOR SUBDIVISION	
			Preliminary	Final
Name, address of owner, and applicant.	X	X	X	X
Name, signature, license number, seal and address of engineer, land surveyor, architect, planner, and/or landscape architect, as applicable, involved in preparation of plat.	X	X	X	X
Title block, denoting type of application, tax/lot ID, legal description, and general location.	X	X	X	X
Key map, showing location with reference to surrounding property, streets, current street names, city limits, and other features within 1/4 mile of subdivision boundary.	X	X	X	X
Present and proposed zoning.			X	X
North arrow, date, and graphic scale.	X	X	X	X
Proof that taxes are current.	X	X	X	X
Signature blocks for planning commission chairman, administrative official/city clerk, and mayor.	X	X		X
Appropriate certification blocks.	X	X		X
Monumentation.	X	X		X
Metes and bounds description, including dimensions, bearings, curve data, tangent length, radii, arcs, chords, and central angles for all centerlines and right-of-ways, and centerline curves on streets.				X
Acreage of tract.	X	X	X	X
Date of original and all revisions.	X	X	X	X
Dimensioning of setbacks.		X	X	X
Location, dimensions, and names of existing and proposed streets.	X	X	X	X
All proposed lot lines, lot dimensions, and lot areas in square feet.	X	X	X	X
ADMINISTRATIVE INFORMATION	ADMINISTRATIVE SUBDIVISION	MINOR SUBDIVISION	MAJOR SUBDIVISION	
Copy of any existing or proposed deed restrictions or covenants.		X		X
Existing and proposed easements or land reserved for or dedicated to public use.	X	X	X	X
Phasing plan.			X	
Payment of application fees.	X	X	X	X

PROCEDURES AND ADMINISTRATION

TABLE 3-1: APPLICATION REQUIREMENTS

ENVIRONMENTAL SITE INFORMATION	ADMINISTRATIVE SUBDIVISION	MINOR SUBDIVISION	MAJOR SUBDIVISION	
			Preliminary	Final
Property owners and lines within 200 feet.		X	X	
All existing streets, water course, floodplains, wetlands, wooded areas and major trees, or other environmentally sensitive features within 200 feet.	X	X	X	X
Existing right-of-ways and easements within 200 feet.	X	X	X	X
Topography at one foot contours.		X	X	*
Existing site drainage system.	X	X	X	
Drainage calculations and perc tests			X	

* Attach to final plat.

IMPROVEMENTS AND CONSTRUCTION INFORMATION	ADMINISTRATIVE SUBDIVISION	MINOR SUBDIVISION	MAJOR SUBDIVISION	
			General	Detailed
Proposed utility infrastructure plans including water, sanitary sewer, and storm water management.				
Soil erosion control plan.			X	X
Spot and finished elevations at all property corners.				X
Construction details as required.				X
Road and paving cross-sections.			X	X
Proposed street names.			X	X
New block and lot numbers.	X	X	X	X
Lighting plan and details.				X
Pedestrian circulation patterns and sidewalk or trail locations.			X	X
Certifications and seals from licensed professional engineer, as required by ordinance.		X		X
Improvement financing plan, including sources of funding (private, assessments, public, sanitary and improvement districts, and other sources).			X	X

LEGAL AGREEMENT INFORMATION	ADMINISTRATIVE SUBDIVISION	MINOR SUBDIVISION	MAJOR SUBDIVISION	
			Preliminary	Final
Draft subdivision agreement.			X	
Final subdivision agreement.				X

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ARTICLE FOUR

SUBDIVISION DESIGN CATEGORIES AND GENERAL STANDARDS

12-401 Purpose

The purpose of this article is to provide flexible design alternatives in order to assure that subdivisions in the Schuyler area create functional and attractive environments, minimize adverse effects, and become assets to the city's urban and natural setting. The article defines specific types of subdivisions that have varying design characteristics, applicable to various settings within the City of Schuyler and its jurisdiction.

12-402 Site Design and Constraints

- A. Consideration of Plans: The design of subdivisions shall consider all existing local and regional plans for Schuyler and its jurisdiction. These include the Comprehensive Development Plan for the City of Schuyler.
- B. Preservation of Natural Features and Drainage Patterns:
 - 1. To the maximum extent possible, development shall be located to preserve natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative impact and alteration of natural features and drainage patterns.
 - 2. The subdivider shall give maximum consideration to the preservation of the following areas as open space, to the extent consistent with reasonable utilization of land:
 - a. Wetlands and other unique environmental areas, as defined in Section 404, Federal Water Pollution Control Act of 1972 and delineated on wetlands maps prepared by US Federal, the State of Nebraska, or other agencies with jurisdiction over such areas.
 - b. Flood plain lands, other than areas that have already experienced substantial development or areas that will be developed consistent with the City of Schuyler's Flood Plain regulations, contained in Section 5-19 of the Zoning Chapter of the Land Development Ordinance.
 - c. Significant stands or specimens of mature trees, defined as those approaching the maximum size of trees for a given species in the state.
 - d. Slopes in excess of 15 percent as measured over a 10-foot interval. Development on slopes over 15 percent may be permitted only if an erosion and slope stabilization plan is submitted and approved with the development and if appropriate measures are taken in compliance with this approved plan. The city may, at its discretion, require the review and certification of such a plan by a licensed professional engineer.
 - e. Habitats of endangered animal or vegetation species, as identified by the US Fish and Wildlife Service or relevant agencies of the State of Nebraska.
 - f. Sites of historical, cultural, or archaeological significance, as identified by the National Parks Service, other federal agencies, or the Nebraska State Historical Society.
 - g. Prime Farmlands, as identified on soil maps/lists of the US Soil Conservation Service.
- C. General Guidelines for Subdivision Layout: Subdivisions designs shall comply with the following overall performance objective, and:
 - 1. Avoid adverse effects on ground water and aquifer recharge.
 - 2. Reduce and minimize of cut and fill activity.

SUBDIVISION DESIGN CATEGORIES

3. Avoid or reduce unnecessary impervious surfaces.
 4. Prevent flooding and encroachment of water onto other properties.
 5. Provide adequate access to lots, including alternative routes to lots and sites within the subdivision. Cul-de-sac streets should be generally limited in use to unique instances when barriers exist to normal through street design, due landform, or controlled access limitations.
 6. Mitigate negative environmental effects on surrounding properties, including effects of shadow, noise, odor, traffic, drainage, and utilities.
 7. Respect the urban character and traditional layout of Schuyler, including providing continuity to established street and community facility networks; establishing linkages and connections between new development and existing parts of the city; and preserving historically and architecturally significant sites and buildings, determined as those sites or districts either listed on or determined to be eligible for listing on the National Register of Historic Places, as determined by the State Historic Preservation Officer.
- D. Site Design Objectives and Approval: The Planning Commission and City Council shall take the above site design objectives into account during their review and approval of subdivision applications.

12-403 Subdivisions Design Categories and Rules

- A. Purpose: The purpose of this section is to establish design alternatives that provide greater flexibility in subdivision design and make potential development more consistent with the City's site design objectives and the special natural and artificial features of the City of Schuyler and its planning jurisdiction.
- B. Subdivision Design Categories:
1. Definition and Application: A conventional subdivision literally meets all nominal standards of the Land Development Ordinance for lot dimensions, setbacks, street frontage, and other site development regulations. Conventional subdivisions generally develop in areas relatively free of environmental constraints.
 2. Creative Subdivision: A creative subdivision complies with the overall density requirements of a zoning district, but allows internal variations of such standards as lot size, set-backs, and street width in order to encourage innovative or economical development or protect natural features and open space without loss of economic yield to developer.
- C. Creative Subdivisions - Types and Special Regulations: Creative Subdivisions are divided into two types - Cluster Subdivisions and Traditional Neighborhood Districts.
1. Cluster Subdivisions:
 - a. Cluster subdivisions allow the clustering or grouping of residential lots in order to provide common open space.
 - b. Cluster Subdivisions may be developed and approved subject to the following standards and variations:
 - (1) The overall density of subdivision complies with the zoning district that contains the final subdivision. A subdivider may apply for a rezoning simultaneously with the plat approval process.

SUBDIVISION DESIGN CATEGORIES

- (2) Individual lot size dimensions, including lot width, may be reduced to 60 percent of requirement of zoning district. Any savings on lot size shall be devoted to common open space or other approved community facilities.
- (3) Lot setbacks may be varied from those otherwise specified for the zoning district. Setback limits must be established on the preliminary and final plat. The setback from any garage entrance to any circulation way must be at least 20 feet.
- (4) Street or right-of-way widths set forth in Article Five may be varied within for local streets within Cluster Subdivisions, subject to the sole discretion of the approving authorities.
- (5) Articles of incorporation or covenants for a homeowners' association or other provision assuring maintenance or operation of all common spaces shall be submitted with subdivision application.

2. Traditional Neighborhood Districts:

- a. Traditional Neighborhood District (TND) Subdivisions allow the development of urban neighborhoods that produce new development consistent with the patterns of historic or traditional parts of Schuyler, with appropriate civic space. Approval of a Traditional Neighborhood District subdivision requires submission of a specific district plan.
- b. TND Subdivisions may be developed and approved subject to the following standards and variations:
 - (1) The minimum size parcel to be covered by the TND Subdivision is 15 acres.
 - (2) The overall density of subdivision complied with the zoning district that contains the final subdivision. A subdivider may apply for a rezoning simultaneously with the plat approval process.
 - (3) Individual lot size dimensions, including minimum width, may be reduced to 80 percent of the requirement of the underlying zoning district. Any savings on lot size shall be devoted to public space, including, but not limited to, town squares, small parks, green-ways, and community facilities.
 - (4) All streets within a TND Subdivision connect to other streets within the district, forming a continuous network. The internal street system connects to other streets on the edge of the district.
 - (5) Lot setbacks may be varied from those otherwise specified for the zoning district. Setbacks limits must be established on the preliminary and final plat. The setback from any garage entrance to any circulation way, including an alley, must be at least 20 feet. Garage access from the rear of lots by way of an alley is encouraged.
 - (6) Retail, service, civic, office, and various types of residential land uses may be combined within a TND subdivision, notwithstanding the use regulations of the underlying zoning district. The distribution and location of land uses shall be consistent with the TND Plan submitted for the subdivision.
 - (7) Street or right-of-way widths set forth in Article Five may be varied within for local streets within TND Subdivisions, subject to the sole discretion of the approving authorities.

SUBDIVISION DESIGN CATEGORIES

- (8) Overall density permitted by the underlying zoning district of the TND Subdivision may be increased as follows for specific amenities: 10 percent for the provision of a centrally located town square of at least one acre for each 25 acres of developed area; 10 percent for the provision of approved ornamental lighting throughout the TND Subdivision; and 10 percent for the development of a central community street, as defined in Article Five. Cumulative density bonuses shall not exceed 25 percent of the density permitted by the underlying zoning district.
- (9) All applications for a TND Subdivision must be accompanied by a TND Subdivision Plan, in addition to other documents required by this Ordinance. This plan shall illustrate the distribution of land uses throughout the subdivision; the location and design of public spaces, streets, and alleys; the location and nature of special design features; architectural controls; and other information necessary to communicate the concept of the TND subdivision. The TND Subdivision Plan shall be a part of the approved subdivision. Subsequent building and development permits shall be issued by the City only in consistency with the TND Subdivision Plan.
- (10) Articles of incorporation and/or covenants for a homeowners' association or other provision assuring maintenance or operation of all common spaces shall be submitted with subdivision application.

5**ARTICLE FIVE****CIRCULATION SYSTEM DESIGN****12-501 Purpose**

The purpose of this article is to assure the development of functional and safe circulation patterns within new subdivisions, in order to encourage economical and effective movement of motor vehicles, bicycles, and pedestrians; provide access for public safety vehicles; and encourage the development of circulation systems that enhance the quality of life within new and existing neighborhoods in the City of Schuyler and its planning jurisdiction.

12-502 General Standards

The design of circulation systems should conform to the following general standards and requirements:

A. Roadway System Design:

1. The road system shall be designed to permit safe orderly movement of traffic, to meet but not to exceed needs of the present and future served population; to be simple and logical; to respect natural features, topography, and landscape; and to present an attractive streetscape.
2. The system shall conform to the City's Comprehensive Development Plan. For streets not shown on the Comprehensive Development Plan, the arrangement of streets shall provide for the logical extension of existing streets.
3. The street network of a subdivision should provide for logical, continuous extensions of streets to subsequent, later developments.
4. The system shall provide adequate traffic flow through a subdivision and provide at least two routes from each lot within the subdivision to the rest of the City, except as explicitly permitted by the approving authorities. Additionally, the system should be designed to discourage through traffic from using local streets.

B. Pedestrian and Bicycle Systems:

1. A continuous pedestrian system shall be provided within each non-industrial subdivision, designed to conduct pedestrians between every point in the subdivision in a safe manner.
2. In conventional subdivisions, the pedestrian system will ordinarily be provided by side-walks placed parallel to and on both sides of each street, with exceptions permitted to preserve natural features or create visual interest.
3. In creative subdivisions, the pedestrian system may be an independent network diverging from streets but providing continuous pedestrian access between all points.
4. All aspects of the pedestrian system, including sidewalks and intersection crossing, must be designed to comply with the Americans with Disabilities Act.
5. Bikeways or recreational trails shall be required only if specifically indicated by the comprehensive development plan. Any land dedicated for trail development shall be credited toward the satisfaction of pedestrian system and open space standards set forth by this ordinance.

12-503 Street Hierarchy and Design

- A. Characteristics of the Hierarchy:
1. Streets shall be classified according to a street hierarchy with design tailored to function.
 2. The street hierarchy shall be defined by road function and projected average daily traffic (ADT), as calculated by trip generation rates prepared by the Institute of Transportation Engineers or other generally accepted standards.
 3. Each residential street shall be classified and designed to meet appropriate standards for its entire length.
 4. The applicant shall demonstrate to the satisfaction of the approving agencies that the distribution of traffic created by the subdivision will not exceed the design capacity of the proposed street system and its individual segments.
 5. The categories, functions, and projected traffic loads of the street hierarchy are set forth in Table 5-1.
- B. Cartway Width:
1. Cartway width for each street classification is determined by parking and curbing requirements based on form or intensity of adjacent development.
 2. To promote economical development of streets, minimum cartway width should generally be used. Minimum cartway widths are set forth in Table 5-2.
- C. Curbs, Gutters, and Shoulders
1. Curbing shall be required for the purposes of safety, drainage, and protection of the pavement edge, as set forth in Table 5-3.
 2. Requirements for curbs vary according to street function and the nature of adjacent development. Adjacent development is defined as urban or rural as follows:
 - a. Rural: Residential or predominately agricultural land use where average lot frontage exceeds 100 feet.
 - b. Urban: Residential land use where average lot frontage is less than or equal to 100 feet; or adjacent land uses include commercial, office, industrial, or civic use types.
 3. Where curbing is not required, edge definition and stabilization shall be provided.
 4. Where curbing is required, shoulders and drainage swales may be used only if soils or topography make the provision of shoulders preferable to curbs; or where the character of an area is preserved by the use of shoulders and drainage swales.
 5. Shoulders, when developed, shall be at least eight feet in width on each side for all streets; and located within right-of-way. Swale width is site-specific. Shoulders shall consist of stabilized turf or other acceptable material.
 6. All curbs shall provide ramps for accessibility by handicapped people consistent with the requirements of the Americans with Disabilities Act.
 7. Curb construction shall follow standards established by the City of Schuyler.

D. Sidewalks:

1. Sidewalk requirements are determined by road classification and intensity of development, as set forth in Table 5-3.
2. Where sidewalks are not otherwise required by Table 5-3, the City may require their installation if necessary to provide access to generators of pedestrian traffic or major community features; to continue a walk on an adjacent street; to link parts of the city; or to accommodate future development.
3. In conventional development, shall be place generally parallel to streets within right-of-way. Exceptions are possible to preserve important natural features or to accommodate topography or vegetation; when applicant shows an alternative for a safe and convenient pedestrian system; or in creative subdivisions.
4. In commercial areas, sidewalks may abut curb.
5. Pedestrian easements at least 12 feet in width may be required through the center of blocks over 600 feet in length if deemed necessary by the approving authorities to provide access to schools or community facilities; or to maintain a continuous pedestrian network within and between subdivisions and districts of the City of Schuyler and its jurisdiction.
6. Sidewalks shall provide a clear path of at least four foot in width, free of any obstructions.
7. All sidewalks shall be constructed according to current standards in use by the City of Schuyler. Sidewalks shall be of concrete construction four inches thick except at points of vehicular crossing where they shall be six inches thick.
8. All sidewalks, crossings, and other segments of a continuous pedestrian system must comply with standards of the Americans with Disabilities Act.

E. Bikeways and Recreational Trails:

1. Bikeways and recreational trails shall be required in subdivisions only when specified as part of the comprehensive development plan.
2. All off-street recreational trails shall be a minimum of eight feet in width for two-way traffic and comply with standards of the Americans with Disabilities Act. Surfacing of trails shall be acceptable to the City of Schuyler. Gradients for bikeways and recreational trails should not exceed five percent, except for short distances.
3. Recreational trails may satisfy part of the requirements of this ordinance for sidewalks or open space.
4. All residential streets shall utilize bicycle safe drainage grates at storm sewer inlets.

F. Right-of-Way:

1. Measurement: The right-of-way of a street shall be measured from lot line to lot line, and shall be wide enough to contain the cartway, curbs or shoulder, sidewalks and sidewalk set-backs, other necessary graded areas, and utilities.
2. Any right-of-way that continues an existing street shall be no less than that of existing street.
3. The requirements for right-of-way for functional categories of roads ~~is~~ are set forth in Table 5-3.
4. Dedications: Dedications of right-of-way for collector, local, community, or arterial streets shall be made consistent with the comprehensive development plan.

G. Street Design Standards:

1. Pavement:

a. All streets shall be seven inch, non-reinforced concrete with integral curb to comply with current standards utilized in the City of Schuyler. Limited exceptions include:

(1) Local streets in rural intensity residential subdivisions. In these settings, streets may utilize a gravel or crushed rock surface of sufficient thickness and with an adequate base to provide a durable surface.

(2) Courts, which may utilize six-inch concrete, provided that such courts or lanes remain in private or private cooperative ownership.

b. Street pavement thickness shall relate to the role of the street in the hierarchy, sub-grade conditions, and pavement type.

2. Continuity of Arterial or Collector Streets: No subdivision shall prevent the extension of arterial or collector streets through and beyond the subdivision. The subdivider may plan and design collector streets not designated in the Comprehensive Development Plan subject to the approval of the City Council.

3. Cul-de-sacs: Cul-de-sac streets designed to have one end permanently closed shall not exceed 350 feet in length and shall be designed so that vision from entrance to end is not restricted. The terminating end of a cul-de-sac shall have a minimum radius of 50 feet.

4. Street Intersections:

a. Streets shall intersect as nearly at right angles as possible, unless limited by topography, existing street alignments, or other clearly defined constraints. No street shall intersect any other street at less than 60 degrees.

b. In most cases, no more than two streets should intersect at a single intersection.

c. Local streets shall not provide intersections with major arterials.

d. New intersections along one side of an existing or proposed street shall, if possible, align with intersections on the other side of the street. Offsets between adjacent intersections shall measure at least 125 feet between centerlines. The use of T-intersections is encouraged on local streets within the interior of a subdivision.

e. Curbs at street intersections shall be rounded from the intersection of the cartway lines with a radius of 15 feet. The Planning Commission may require a larger radius or permit comparable cutoffs or chords in place of rounded corners.

5. Block Size: The length, widths, and shapes of blocks shall be suited to the proposed land use and design of the proposed subdivision. Blocks within residential areas should generally not exceed 600 feet in length, unless necessitated by exceptional topography or other demonstrable constraints.

CIRCULATION SYSTEM DESIGN

H. Street Names: No street names shall be used which will duplicate or be confused with the name of existing streets. Street names shall be subject to the approval of the Planning Commission. Streets shall be named according to the following system:

<u>Street Direction and Type</u>	<u>Nomenclature</u>
North-South, East of Colfax Street	Alphabetic Streets, in Consecutive Order
North-South, West of Colfax Street	Named Streets, with First Initial of Name Representing Consecutive Alphabetic Order
East-West, East of Colfax Street	Numbered Streets, in Consecutive Order, Preceded by "East"
East-West, West of Colfax Street	Numbered Streets, in Consecutive Order, Preceded by "West"
Short Streets at Angles	Lanes
Long Streets that Curve	Drives
Cul-de-sacs	Places
Intermediate Streets (N-S)	Named Streets, with First Initial of Name Based on the Nearest Alphabetic Named Street
Intermediate Streets (E-W)	Numbered Avenues, with Number Based on the Nearest Preceding Numbered Street

I. Adjacency to Arterials and Railroads

1. Where the subdivision is adjacent to or contains a street designated as a major arterial or expressway, provision shall be made for marginal access streets approximately parallel and adjacent to the boundary of such right-of-way. The Planning Commission may require treatments or design features necessary to provide adequate protection of residential property and separation of through and local traffic.
2. Where the subdivision is adjacent to or contains a railroad right-of-way or limited access highway, the Planning Commission may require a street approximately parallel to and on each side of the right-of-way at a distance suitable for appropriate use of the intervening property. These distances shall afford opportunities for safe approach grades and future grad separations.

J. Prohibited Practices: The following design practices shall be prohibited:

1. Privately-owned reserve strips controlling access to streets.
2. Half-streets.

12-504 Alleys

- A. Applicability: Alleys shall be provided in commercial and industrial subdivisions, unless the Planning Commission determines that adequate alternative provision is made in the subdivision for service access and parking.
- B. Alley Design:
 - 1. Minimum ROW width of alleys shall be 20 feet. Pavement width shall be 20 feet for commercial alleys and 12 feet for residential alleys. Maximum grade shall be 10%.
 - 2. Alley intersections and sharp changes in alignment shall be avoided.
 - 3. Valley gutters may be used at alley and T-intersections.
 - 4. Dead-end alleys shall be avoided if possible. If necessary, dead end alleys shall be provided with adequate turnaround facilities, as determined by the Planning Commission.

12-505 Lighting and Wiring

- A. Street Lighting:
 - 1. Street lighting shall be provided along all streets in urban residential subdivisions or in any commercial or industrial subdivision, according to an approved lighting plan designed by the City of Schuyler Electric Utility Department, or using guideline standards published in the Lighting Handbook of the Illuminating Engineering Society of North America.
 - 2. Spacing of lighting standards shall be approximately four times the height of the standard or as otherwise approved by the City Council.
 - 3. Maximum height shall not exceed 25 feet.
 - 4. The height and shielding of lighting standards shall provide proper lighting without hazard to drivers or a nuisance to residents. The design of lighting shall be appropriate to the development and to the City of Schuyler.
- B. Underground Wiring:
 - 1. All electric, telephone, television, cable TV, and other communication lines shall be provided by underground wiring within easements or public right-of-way, except where in the opinion of the approving utility authorities, such location is not feasible. Poles for permitted overhead lines shall be placed in rear lot line easements; or in other locations designed to lessen their visual impact.
 - 2. New lots adjacent to existing overhead service may utilize that service; however, new local service connections shall be underground.
 - 3. Year-round screening of any above-ground utility apparatus is required. Screening shall be consistent with the Landscape and Screening Standards set forth in Article Eight of the Zoning Chapter of the Land Development Ordinance.

TABLE 5-1: STREET HIERARCHY

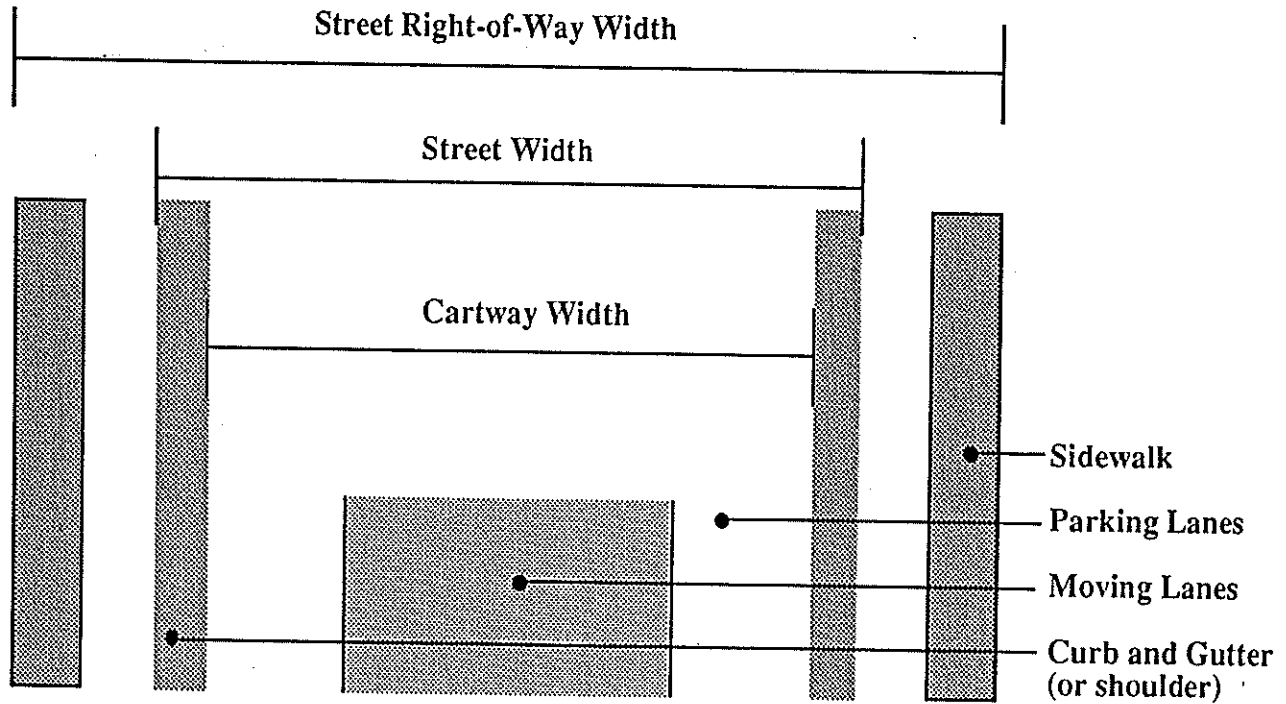
RESIDENTIAL STREET TYPE	FUNCTION	GUIDELINE MAXIMUM ADT
Court (includes Lane or Cul-se-sac)	Street providing private or controlled access to no more than 12 housing units.	120-150
Local	Provides frontage to lots and carries traffic with origin or destination on street itself. Carries least traffic at lowest speed. East-west orientation provides best solar access. Local residential streets usually do not interconnect with adjoining neighborhoods or subdivisions.	250-1,000
Collector	Conducts and distributes traffic between local streets and major streets in the community. Carries larger volume of traffic. Residential collectors interconnect and provide through access between residential neighborhoods. Collector streets should preserve one through traffic lane in each direction, without encroachment by parking. Collectors may be included in the city's Surface Transportation Program system for federal aid.	1,000-5,000
Other Arterials	Provides community-wide access between residential neighborhoods and to other activity centers in Schuyler, including downtown and major commercial facilities. Direct access may be provided to other arterial streets. Parking should generally be prohibited on other arterials. Other arterials should be excluded from residential areas. These streets are part of the Surface Transportation Program system for federal aid.	5,000-15,000
Major Arterial	Inter-regional road in the street hierarchy. Conveys traffic between activity centers and industrial areas, often at high speeds and with limited access. Should be excluded from residential areas. These streets are part of the Surface Transportation Program system for federal aid.	15,000+

Source: Model Subdivision Code, American Planning Association.

CIRCULATION SYSTEM DESIGN

TABLE 5-2: CARTWAY WIDTH, GRADE, AND INTERSECTION STANDARDS

RESIDENTIAL STREET TYPE	MOVING LANES	PARKING RESTRICTIONS	TOTAL WIDTH	MAXIMUM GRADE
Court or Lane	Two 11-Foot	None	22 Feet	10%
Cul-de-sac				
-Linear Street Segment	Two 11-Foot	None	31 Feet	10%
-Circle		None	Minimum paved diameter of 50 feet.	10%
Local	Two 12-Foot	None	31 Feet	10%
Collector	Two 12-Foot	No parking, unless additional pavement width is present to allow one through traffic lane in each direction.	41 Feet	7%
Arterials	Arterial street width, including frontage roads, is determined by state standards, designation of individual street, or roadway segment, and design by City Engineer.			7%



CIRCULATION SYSTEM DESIGN

TABLE 5-3: CURB, SIDEWALK, AND RIGHT-OF-WAY REQUIREMENTS

RESIDENTIAL STREET TYPE	CARTWAY WIDTH	CURB/ OR SHOULDER*	SIDEWALK	SIDEWALK SETBACK	TOTAL ROW
Court , includes Lane	22 Feet	Shoulder Required	Both Sides Required Unless Excepted by City Council	N/A	40 Feet
Cul-de-sac , -Linear Street Segment	31 Feet (Note 1)	Curb Required	Both Sides Required, Unless Excepted by City Council	N/A	60 Feet (Note 2)
-Circle	50 Feet in Diameter (Note 1)	Curb Required	Circumferential and Required, Unless Excepted by City Council	N/A	60 Feet (Note 2)
Local -Rural	31 Feet	Shoulder Required	Not Required	N/A	60 Feet (Note 2)
-Urban	31 Feet	Curb Required	Both Sides Required	6 Feet	60 Feet (Note 2)
Collector -Rural	31 Feet	Not Required	Not Required	N/A	80 Feet (Note 2)
-Urban	41 Feet	Curb Required	Both Sides Required	8 Feet	80 Feet (Note 2)
Arterials	Arterial street width, including frontage roads, is determined by state standards, designation of individual street or roadway segment, and design by the City Engineer.				

* Shoulder is required whenever curb is not required.

NOTES:

Note 1: Cartway widths for cul-de-sacs in a Planned Unit Development may be reduced to the following with the review and approval of the City Engineer: 22 feet for linear street segments, 45 feet for circular area.

Note 2: Right-of-way widths for these classes of streets may be modified for Creative Subdivisions, as permitted in this Ordinance, with the review and approval of the City Engineer.



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ARTICLE SIX

PUBLIC IMPROVEMENTS AND INFRASTRUCTURE

12-601 Purpose

The purpose of this Article is to assure that all subdivisions developed in the City of Schuyler and its jurisdiction are adequately furnished with necessary public services. These services include adequate water, waste management, and storm water drainage utilities; and park and open space resources.

12-602 Water

A. Connection:

1. All installations shall be properly connected to an approved and functioning community water system.
2. Where city water is accessible within 1,320 feet of the final plat, the subdivider shall connect to the system and provide adequate lines and stubs to each lot. When city water is not accessible within 1,320 feet of the final plat, the subdivider shall make provision for a water supply acceptable to the City of Schuyler Utility Department, as reviewed by the City Engineer.
3. If a public water supply system is provided to an area within a six-year period, as indicated in an officially adopted document of the city, the Rural Water District, or other authorized agency, the city may require installation of a capped system or dry lines. Alternatively, the city may require a payment in lieu of the improvement, to be credited toward the extension and extension of the subdivision to a future public water supply.
4. All proposals for new water supplies, extensions, or main installation shall be approved by appropriate public agency.

B. Capacity:

1. The water supply system shall be adequate to handle the necessary flow, based on complete development of the subdivision.
2. The demand rates for all uses, including emergency fire demand, shall be included in the computation of total water demand.
3. Fire protection shall be furnished for any development connected to the municipal water system. Computation of minimum fire flows shall be based on calculations of the American Insurance Association and National Board of Fire Underwriters.
4. Hydrants shall be spaced for necessary fire flow and provide adequate means of drainage.
5. Installation of water systems shall conform to community design standards in use by the Utility Department of the City of Schuyler.
6. All final plats shall include a certification from a registered professional engineer that the water supply system of the subdivision is designed and constructed in accordance with the requirements of this section; and all applicable standards of the State of Nebraska.

12-603 Sanitary Sewers

A. Connection:

1. All installations shall be properly connected to an approved and functioning sanitary sewer system prior to issuance of a certificate of occupancy.
2. Where city sanitary sewer is accessible within 1,320 feet of the final plat, the subdivider shall connect to the system and provide adequate lines and stubs to each lot. When city sanitary sewer is not accessible within 1,320 feet of the final plat, the subdivider shall make provision for a water supply acceptable to the City of Schuyler Utility Department, as reviewed by the City Engineer.
3. If the city creates a benefit fund for the purpose of financing public extensions of sanitary interceptor sewers to newly developing areas, each subdivision to be benefited by such extensions shall contribute to such a fund. Subdivisions within the city limits of Schuyler at the time of platting; or subdivisions currently served by existing sanitary sewer service shall be exempt from this requirement. Contributions to the fund shall be computed on the basis of proportionate costs and benefits of necessary extensions. Assessments shall be made on a per lot basis for single-family development; a pre-unit basis for multi-family residential development; and a site area basis for non-residential development.
4. If system is not in place or cannot be developed, the developer must provide individual subsurface disposal systems where appropriate, with design taking into consideration site density, soil, slope, and other conditions. Subsurface or septic systems are not permissible on any lot created after the effective date of this ordinance if the overall density of the subdivision is higher than one unit per 1.5 acres; or if individual lots are smaller than one acre.
5. If a sanitary sewer system is to be provided to an area within a six-year period, as indicated in an officially adopted document of the city, the county, the Nebraska Department of Health, or other authorized agency, the city may require installation of a capped system or dry lines. Alternatively, the city may require a payment in lieu of the improvement, to be credited toward the extension and extension of the subdivision of a future sanitary sewer system.
6. All proposals for new public sanitary sewer systems or extensions of existing systems shall be approved by appropriate public agencies.

B. Capacity:

1. The sanitary sewer system shall be adequate to handle the necessary flow, based on complete development of the subdivision.
2. Installation of sanitary sewer systems shall conform to community design standards in use within the City of Schuyler.
3. All final plats shall include a certification from a registered professional engineer that the sanitary sewer system of the subdivision is designed and constructed in accordance with the requirements of this section; and all applicable standards of the State of Nebraska.

12-604 Storm Water Management

A. Design:

1. All subdivisions shall have a storm water management system that is adequate to prevent the undue or unplanned retention of storm water on the site. Undue retention does not include:
 - a. Retention/detention through planned facilities.
 - b. Retention not substantially different from pre-existing conditions.
2. The design of the storm water management system shall be consistent with general and specific concerns and standards of the Comprehensive Development Plan and the drainage control programs of applicable public agencies. Design shall be based on environmentally sound site planning and engineering techniques and best available environmental practices.
3. To maximum degree possible, drainage from subdivisions shall conform to natural contours of land and not disturb pre-existing drainageways.
4. Adjacent properties shall not be unduly burdened with surface water from the subdivision. Specifically:
 - a. There may be no unreasonable impediment of water from higher adjacent properties across the subdivision, causing damage to lower properties.
 - b. No action shall unreasonably collect and channel storm water onto lower properties. The volume or rate of post-development runoff shall not exceed the amount of predevelopment runoff.
5. Design shall use the best available technology to minimize off site runoff, encourage natural filtration, simulate natural drainage, and minimize discharge of pollutants. Best available technology may include retention basins, swales, porous paving, and terracing. Where necessary to mitigate the impacts of storm water flow from the development onto adjacent ground or into the existing storm sewer system, on-site storm water detention with controlled outflow is required.
6. No surface water or groundwater may be channeled into a sanitary sewer system.
7. Where possible, a subdivision's drainage system shall coordinate with that of surrounding properties or streets.
8. The preliminary plat submission must include preliminary drainage computations and demonstrations that the proposed storm water management system meets the requirements of this Section. All final plats shall include a certification from a registered professional engineer that the storm water management system of the subdivision is designed and constructed in accordance with the requirements of this section; and all applicable standards of the local, regional, and state agencies.

B. Erosion Control:

1. With the submission of the preliminary plat, the subdivider shall submit an erosion control plan, prepared and certified by a licensed professional engineer, for any land disturbing activity. All grading activities must be carried out consistent with this approved erosion control plan.

12-605 Parks and Public Facilities

- A. **Park Dedication:** A subdivision shall dedicate up to .04 acres per dwelling unit for parkland. Alternatively, the subdivider shall pay a fee equivalent to the cost of .04 acres per unit, to be used specifically by the city for the acquisition and development of park and recreational facilities which directly benefit the subdivision.
- B. **Location of Dedicated Parkland:** Any land dedicated as parkland must be consistent in location and improvement with the comprehensive development plan and as approved by the city.
- C. **Public Facility Sites:** The City Council may require reservation of sites to be purchased for schools and other civic facilities as a condition for approval of the subdivision. Reservation of land for public acquisition shall be for a period not to exceed three years from the date that the plat is officially recorded.

12-606 Easements

- A. **Utility Easements:** Easements for utilities shall be provided for in the subdivision dedication allowing for the construction, maintenance, repair, and replacement of such facilities in a seven and one-half foot wide strip of land adjoining all rear property lines.
- B. **Drainage Easements:** Where a subdivision is crossed by a watercourse, drainageway, channel, or stream, a storm water easement or drainage right-of-way shall be provided, corresponding generally with the extent of such watercourse, together with any additional construction or expansion necessary to allow it to convey storm water adequately. Parallel streets or parkways may be utilized to preserve such drainageways.
- C. **Other Easements:** The subdivision shall provide easements for other public utilities that cross through it, in a form acceptable to the city or appropriate public agency.

12-607 Dedications

Before final plat approval is granted to the subdivision, dedications to public use of all streets, alleys, other public right-of-ways, or other parks and public lands, shall be completed as required by this ordinance.

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ARTICLE SEVEN

IMPROVEMENT GUARANTEES

12-701 Purpose

The purpose of this article is to ensure the proper installation and maintenance of required streets, utilities, and other improvements. The guarantee shall be structured to provide adequate assurances to the city while not adding unnecessary costs to the developer.

12-702 Application

- A. This article applies to subdivisions which require the installation of streets, utilities, or other public improvements by the developer.
- B. As a condition of the final approval of the plat and prior to its recording with the Colfax County Register of Deeds, the City Council shall require and accept the following:
 - 1. The furnishing of a performance bond, letter of credit, cash escrow, or other guarantee in a form acceptable to the city, in an amount not to exceed 120 percent of the estimated cost of the improvement installation.
 - 2. A specification of the time allowed for the installation of improvements. This period may be extended by the City Council.
 - 3. The performance guarantee amount and requirement, along with the permitted time for installation, shall be included within the Subdivision Agreement negotiated between the city and the developer and approved with the Final Plat. The developer is responsible for preparation of the subdivision agreement and the subdivision agreement is then submitted to the City's attorney for review.

12-703 Notification of Completion and Acceptance by City

- A. Notification: Upon substantial completion of all required improvements, the developer shall notify the City Clerk in writing, as well as submitting a certification from a registered professional engineer, attesting to the adequacy of the installation.
- B. Inspection and Acceptance:
 - 1. The administrative official or his/her designee shall inspect all installations, and shall approve, partially approve, or disapprove of the installation.
 - 2. If the installation is approved, the administrative official shall notify the developer of acceptance in writing. Such acceptance shall release the developer from liability pursuant to the performance guarantee for the installation. The city has the right to retain up to 10 percent of the value of the performance guarantee for a period of up to one year from the date of acceptance to remedy any deficiencies which appear during that period.
 - 3. If improvements are not accepted or not completed within the specified time, the performance guarantee shall be forfeited and used by the city to complete satisfactory installation of improvements.

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