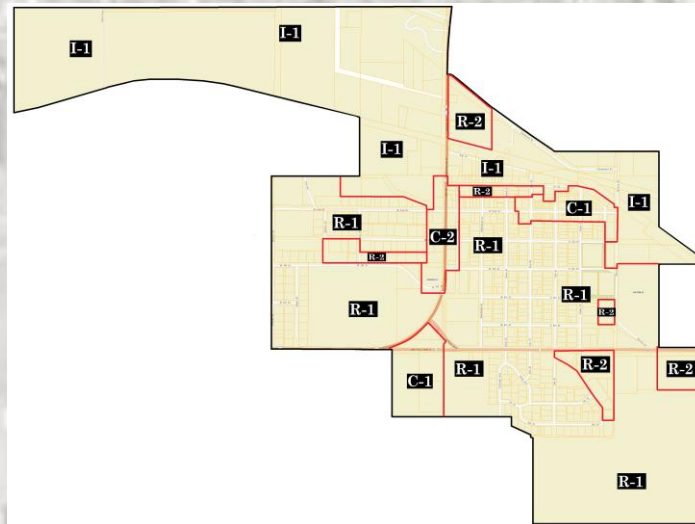


Nebraska Investment Finance Authority
Housing Study Grant Program.

LAUREL, NEBRASKA

Comprehensive Planning Program.



ZONING REGULATIONS.

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SEPTEMBER, 2020

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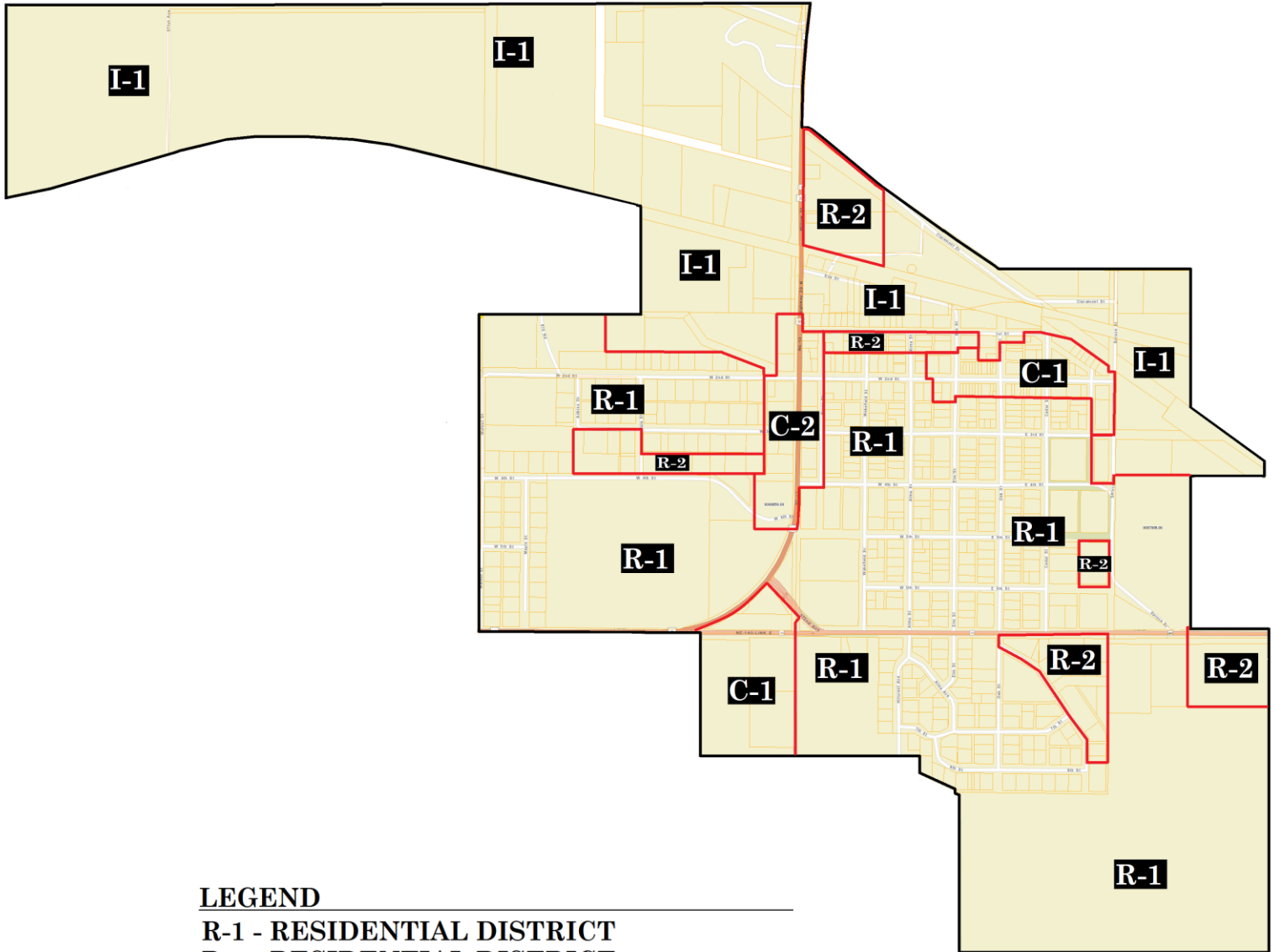
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OFFICIAL ZONING MAP

CORPORATE LIMITS
LAUREL, NEBRASKA



LEGEND

- R-1 - RESIDENTIAL DISTRICT
- R-2 - RESIDENTIAL DISTRICT
- C-1 - COMMERCIAL BUSINESS DISTRICT
- C-2 - HIGHWAY COMMERCIAL DISTRICT
- I-1 - INDUSTRIAL DISTRICT

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ARTICLE I

GENERAL PROVISIONS

1.1 TITLE

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

1.2 JURISDICTION

The provisions of these Regulations shall apply within the planning jurisdiction of Laurel, Nebraska, as established on the map entitled "The Official Zoning Map of the City of Laurel, Nebraska." The jurisdiction includes the zoning areas within and up to one mile outside of the corporate limits of the City of Laurel, Nebraska.

1.3 PURPOSE

In pursuance of the authority conferred by Sections 19-901 through 19.929 of Nebraska Statutes as amended, this ordinance is enacted for the purpose of promoting the health, safety, convenience, order, prosperity and welfare of the present and future inhabitants in the City of Laurel by regulating and restricting the height, number of stories, and size of buildings and other structures, the size of yards, courts, and other open spaces, and the location and use of buildings, structures and land for trade, industry, residence, or other purposes in accordance with the Laurel Comprehensive Plan and the zoning maps adopted herewith.

ARTICLE 2

APPLICATION OF REGULATIONS

2.1 GENERAL

The zoning regulations set forth by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

Additional and more restrictive Ordinances set forth by the City of Laurel prior to adoption of these regulations shall apply uniformly to each class or kind of structure or land. These Ordinances will act as Supplemental Laurel Zoning Regulations.

2.2 ZONING AFFECTS EVERY BUILDING AND USE

No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, moved or structurally altered except in conformity with all of the zoning regulations herein specified for the district in which it is located.

2.3 YARD AND LOT REDUCTION PROHIBITED

No lot existing at the time of passage of this ordinance shall be reduced by private action in dimension or area below the minimum requirements set herein or divided into separate parcels. Lots created after the effective date of this ordinance shall meet the minimum requirements established by these regulations. Lots can not be reduced in size.

2.4 MINIMUM REQUIREMENTS

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, or general welfare. Where applicable, Municipal, State, or Federal standards which are more restrictive than those contained herein, the more restrictive standards shall apply.

2.5 NONCONFORMITIES

Nonconformities; Intent. Nonconformities are of three types: nonconforming lots of record, nonconforming structures and nonconforming uses.

2.51 NONCONFORMING LOTS OF RECORD: The Zoning Administrator may issue a Permit for any nonconforming lot of record provided that:

Said lot is shown by a recorded plat or deed to have been owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size and width at such location would not have been prohibited, and Said lot has remained in separate and individual ownership from adjoining tracts of land continuously during the entire time that the creation of such lot has been prohibited by the zoning regulation, and

Said lot can meet all required yard regulations for the district in which it is located by relying upon compatibility standards and setback averaging to achieve the desired protections. Setback averaging is allowed where existing front-yard setbacks on the same block are less than the district standard and will rely on the following conditions:

- 1) Existing setbacks on the same block face are averaged.
- 2) Only lots with similar uses to that proposed are included in the average.
- 3) Vacant lots are included using the district setback.
- 4) Or, existing front-yard setbacks can rely upon existing nonconformities such that any addition or enlargement does not exceed the point of nonconformity setback.

2.52 NONCONFORMING STRUCTURES

Authority to Continue: Any structure which is devoted to a use which is permitted in the zoning district in which it is located, but which is located on a lot which does not comply with the use regulations and/or the applicable set-back and height regulations may be continued, so long as it remains otherwise lawful.

Enlargement, Repair, Alterations: Any nonconforming structure may be maintained, repaired, or remodeled; provided, however, that no such enlargement, maintenance, repair or remodeling shall either create any additional nonconformity or increase the degree of existing nonconformity of all or any part of such structure. Setback averaging is allowed where existing front-yard setbacks on the same block are less than the district standard and will rely on the following conditions:

- 1) Existing setbacks on the same block face are averaged.
- 2) Only lots with similar uses to that proposed are included in the average.
- 3) Vacant lots are included using the district setback.
- 4) Or, existing front-yard setbacks can rely upon existing nonconformities such that any addition or enlargement does not exceed the point of nonconformity setback.

Damage or Destruction: In the event any nonconforming structure is damaged or destroyed, by any means, to the extent of more than 75 percent of its assessed fair market value, such structure shall not be restored unless it shall thereafter conform to the regulations for the zoning district in which it is located. When a structure is damaged to the extent of 75 percent or less of its fair market value, no repairs or restoration shall be made unless a building permit is obtained within six (6) months, and restoration is actually begun one (1) year after the date of such partial destruction and is diligently pursued to completion.

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

2.53 NONCONFORMING USES

Authority to Continue: Any lawfully existing nonconforming use of part or all of a structure or any lawfully existing nonconforming use of land, not involving a structure or only involving a structure which is accessory to such use or land, may be continued, so long as otherwise lawful.

Ordinary Repair and Maintenance:

1. Normal maintenance and incidental repair, or replacement may be performed on any structure or system that is devoted in whole or in part to a nonconforming use.
2. Nothing in these regulations shall be deemed to prevent the strengthening or restoring to a safe condition of a structure in accordance with an order of a public official in charge of protecting the public safety who declares such structure to be unsafe and orders its restoration to a safe condition.

Extension: A nonconforming use or structure shall not be extended, enlarged which results in additional nonconformity or increases the degree of nonconformity.

Enlargement: No use or structure that is devoted in whole or in part to a nonconforming use shall be enlarged or added to in any manner unless such use of enlargement is allowed in the district and/or does not increase the degree of nonconformity.

Damage or Destruction: In the event that any structure that is devoted in whole or in part to a nonconforming use is damaged or destroyed, by any means, no repairs

or restoration shall be made unless a building permit is obtained within six (6) months and restoration is actually begun within one (1) year after the date of such partial destruction and is diligently pursued to completion.

Moving: No structure that is devoted in whole or in part to a nonconforming use and nonconforming use of land shall be moved in whole or in part for any distance whatever, to any location on the same or any other lot, unless the entire structure and the use thereof or the use of land shall thereafter conform to all regulations of the zoning district in which it is located after being so moved.

Change in Use: If no external structural alterations are made which will expand the area or change the dimensions of the existing structure, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use provided that the governing body after receiving a recommendation from the Planning Commission, by making findings in the specific case, shall find that the proposed use is more appropriate to the district than the existing nonconforming use. More appropriate shall mean creating less traffic, noise, glare, odor or other characteristics of the proposed use. In permitting such change, the governing body may require appropriate conditions and safeguards to protect surrounding areas and properties. Once such use has changed, it may no longer be returned to the original use or any other less appropriate use.

Abandonment or Discontinuance: When a nonconforming use is discontinued or abandoned, for a period of twelve (12) consecutive months, such use shall not thereafter be re-established or resumed, and any subsequent use or occupancy of such land shall comply with the regulations of the zoning district in which such land is located unless an extension request is submitted to the Planning Commission for its recommendation and forwarded for approval or denial to the appropriate governing body.

Nonconforming Accessory Uses: No use which is accessory to a principal nonconforming use shall continue after such principal use shall cease or terminate.

ARTICLE 3

GENERAL DEFINITIONS

3.1 GENERAL PROVISIONS

The following rules of construction shall apply unless inconsistent with the plain meaning of the context of this Ordinance.

3.11 TENSE: Words used in the present tense include the future tense.

3.12 NUMBER: Words used in the singular include the plural, and words used in the plural include the singular.

3.13 SHALL AND MAY: The word "shall" is mandatory; the word "may" is permissive.

3.14 HEADINGS: In the event that there is any conflict or inconsistency between the heading of an article, section or paragraph of this Ordinance and the context thereof, the said heading shall not be deemed to affect the scope, meaning or intent of such context.

3.2 GENERAL TERMINOLOGY

The word "City" shall mean the City of Laurel Nebraska. The word "Governing Body" shall mean the City Council of Laurel, Nebraska. The words "Planning Commission" shall mean the Planning Commission of Laurel duly appointed by the governing body of the City of Laurel.

Words or terms not herein defined shall have their ordinary meaning in relation to the context.

3.3 DEFINITIONS

For the purpose of this Ordinance certain words and terms used herein are defined as follows;

ACCESSORY BUILDING OR USE: A building or use that exhibits the following:

1. Constructed or located on the same lot as the principal building or use served, except as may be specifically provided elsewhere in this Ordinance.
2. Clearly incidental to, subordinate in purpose and area to, and serves the principal use.

AGRICULTURAL FARM OR OPERATION: A tract of land used for the 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 any other agricultural or horticultural use.

ANIMAL UNIT: One animal unit shall equal one (1) head of slaughter or feeder cattle, seven-tenths (0.7) head of mature dairy cattle (whether milked or dry cows), two and five-tenths (2.5) hogs each weighing over 55 pounds, five-tenths (0.5) head of horses, ten (10) sheep or lambs, fifty-five (55) turkeys, one hundred (100) laying hens or broilers if the facility has continuous overflow watering, thirty (30) laying hens or broilers if the facility has a liquid manure system, and/or five (5) ducks.

BED AND BREAKFAST: A building other than a hotel or motel, where, for compensation and by pre-arrangement for definite periods, meals, lodging, or lodging and meals are provided. This includes bed and breakfast facilities and tourist homes accommodating not more than twenty persons.

BUILDABLE AREA: The portion of a lot remaining after required yards have been provided.

BUILDING: An enclosed structure, anchored to permanent foundation, and having exterior or party walls and a roof, designed for the shelter of persons, animals or property. When divided by other than common or contiguous walls, each portion or section of such building shall be regarded as a separate building, except that two buildings connected by a breezeway shall be deemed one building. "Building" includes "structure".

BUILDING HEIGHT: The vertical distance to the highest point of the roof structure; measured from the base of the building.

(MAP LOCATED HERE)

Source: A Survey of Zoning Definitions, (American Planning, Association, 1989).

CAMP GROUNDS: 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.

CHILD CARE CENTER: A facility which is or should be licensed by the Nebraska Department of Social Services under the authority of Sections 71-1908 through 71-1918, Revised Statutes of Nebraska, as provided and defined under the Title 474 of the Nebraska Administrative Code, Chapter 6, Section 002.

CHILD CARE HOME: A private home providing care (for children) for compensation, which is or should be licensed by the Nebraska Department of Social Services.

CLUB: Buildings and facilities owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose, but not primarily for profit which inures to any individual and not primarily to render a service which is customarily carried on as a business.

CONDITIONAL USE: A use which is allowed in a zone when specified conditions have been complied with as identified for each district as a conditional use. A conditional use permit is reviewed and issued by the zoning administrator.

DWELLING: Any building or portion thereof which is designed and used exclusively for residential purposes.

DWELLING, MULTI-FAMILY: A building or portion thereof used for occupancy by three (3) or more families living independently of each other and containing three (3) or more dwelling units.

DWELLING, SINGLE FAMILY: A dwelling having accommodations for and occupied by one (1) family.

DWELLING, TWO-FAMILY: A residential building containing two (2) dwelling units entirely surrounded by open space on the same lot.

EASEMENT: A grant by the property owner to the public, a corporation or persons for the use of a tract of land for a specific purpose or purposes.

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.

FARMSTEAD: Any building site that includes at least two (2) buildings that have combined assessed valuation for tax purposes of at least \$5,000 as of the date on which these regulations go into effect.

FLOOD PLAIN: Those lands within the zoning jurisdiction of the City which are subject to a one percent (1%) or greater chance of flooding in any given year. The regulatory flood plain for this Ordinance shall be based on the official Flood Hazard Boundary Map or Flood Insurance administration, U.S. Department of Housing and Urban Development and any revision thereto. The City of Laurel does not participate in the National Flood Insurance Program regulation of floodplain development and will comply with “Nebraska Minimum Standards for Floodplain Management Programs”. Copies of said map, if available, shall be on file in the Office of the City Clerk.

HOME OCCUPATION: An occupation or activity carried on within the dwelling or accessory building by a member of the family residing on the premises, which occupation or activity is incidental and secondary to the residential occupancy and does not change the residential character nor infringe upon the right of neighboring residents.

INTENSIVE LIVESTOCK FACILITIES /OPERATIONS /FEEDLOTS: Facilities/operations shall mean a lot or portion of a lot used for the enclosing and feeding of livestock for market. The confined feeding of animals in buildings, lots or pens which are not used for the raising of crops or the grazing of animals. Except for temporary confinement such as during seasonal adverse weather any of these terms “intensive livestock facilities; or, operations; or, feedlots” shall include the confined animal feeding operation of: (1) Livestock for other than farm operator, or (2) livestock when not in conjunction with a farming operation or (3) 50 feeder or fat cattle, (4) over 50 cows, (5) over 50 dairy cows, (6) over 100 swine, including the farrowing of pigs, (7) over 200 sheep, (8) over 300 turkey, or (9) over 500 chickens, ducks or geese. Furthermore any person or any farm or acreage exceeding the animal to acre ratio shall be required to obtain a Special Use Permit.

LANDFILL: A disposal site employing an engineering method of disposing solid wastes in a manner that minimizes environmental hazards by spreading, compacting to the smallest volume, and applying cover material over all exposed waste at the end of each operating day.

LOT: A parcel of land occupied or intended for occupation in this Ordinance and fronting upon a street or road.

LOT, CORNER: A lot abutting two or more streets or roads at their intersection.

LOT DEPTH: The average horizontal distance between the front and rear lot lines.

LOT FRONTAGE: The front of a lot shall be construed to be the portion nearest the street or road.

LOT OF RECORD: A lot of which is part of a subdivision recorded in the Office of the Register of Deeds, or a lot or parcel described by metes and bounds the description of which has been so recorded.

LOT WIDTH: The distance on a horizontal plane between the side lot lines of a lot, measured at right angles to the line establishing the lot depth.

MEDICAL CLINIC: An organization of specializing physicians and/or dentists who have their offices in a common building.

MOBILE HOME: A year-round, transportable structure which is a single family dwelling unit suitable for permanent, more than thirty (30) days living quarters, more than eight (8) feet wide and forty (40) feet in length designed and built to be towed on its own chassis and designed to be used as a single family dwelling with or without a permanent foundation when connected to the required utilities.

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 to compliance with National Manufactured Home Construction and Safety Standards, 24 C.F.R. 3280 et seq., promulgated by the United States Department of Housing and Urban Development, or a modular housing unit as defined in Section 71-1557 of the Nebraska Revised Statutes bearing the seal of the Department of Health.

NONCONFORMING LOT OF RECORD: Is a recorded lot, lawful at the time of the enactment or amendment of this Ordinance which does not conform to the minimum area, yard or frontage requirements in the district in which it is located.

NONCONFORMING STRUCTURE: Is any building or structure, which, at the time of enactment or amendment of this ordinance, was lawful, but currently:

1. Either does not comply with all the regulations of this Ordinance or with any amendment regarding the zoning district in which such building or structure is located.
2. Or is designed or intended for a non-conforming use.

NONCONFORMING USE: The use of a structure or parcel of land that was legal at the time of adoption or amendment of these regulations but which does not comply with the use regulation applicable to the zoning district in which use is located.

PARKING SPACE, OFF-STREET: An area, enclosed or unenclosed, sufficient in size to store one automobile, together with a driveway connecting the parking space with a street or road and permitting ingress and egress of an automobile.

RECYCLING CENTER: A facility which accepts salvage material limited to paper, aluminum foil, containers made of glass, plastic, metal, aluminum, and paper; and similar household wastes; no hazardous material as defined by state and federal law is accepted; there is no wrecking or dismantling of salvage material and no salvage material is held outside a building.

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

SANITARY LANDFILL: A lot or parcel of land used primarily for the disposal, abandonment, dumping, burial or burning of garbage, sewage, trash, refuse, junk, discarded machinery or motor vehicles, or parts thereof, or other waste, and which is in conformance with the requirements of the Nebraska Department of Health.

SANITARY TRANSFER STATION: A collection point for temporary storage of refuse. No processing of refuse would be allowed. The transfer station must be in conformance with the requirements of the Nebraska Department of Health.

SALVAGE OR JUNK YARD: A place where waste, discarded or salvaged metals, building materials, paper, textiles, used plumbing fixtures, abandoned or inoperable motor vehicles or parts thereof, and other used materials are bought, sold, exchanged, stored, baled or cleaned; and places or yards for the storage of salvaged metal, materials and equipment; but not including pawn shops and establishments for the sale, purchase or storage of used cars or trucks presently in operable condition, boats or trailers presently in operable condition, and used furniture and household equipment in usable condition and not including the processing of used, discarded or salvaged material as part of manufacturing operations.

SPECIAL USE PERMIT: A written permit issued with authorization of the applicable governing body. The special permit provides permission under specific conditions to make certain special uses of land in certain zoning districts as stipulated under permitted special uses in each of the district zoning regulations. The city may attach whatever conditions it deems necessary; to include, but not restricted to proper setbacks, landscaping, screening, fencing, maintenance, environmental and safety provisions, bonding requirements, expiration or renewal dates and other similar requirements.

STREET: All property acquired or dedicated to the public and accepted by the appropriate governmental agencies for street purposes.

STREET, CENTER LINE: A line midway between street lines.

STREET LINE: A dividing line between a lot, tract, or parcel of land and the contiguous street. The right-of-way line of a street.

STRUCTURE: Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground, but not including public items such as utility poles, street light fixtures, street signs, bridges and culverts.

STRUCTURAL ALTERATION: Any change to the supporting members of a structure including foundations, bearing walls, or partitions, columns, beams, girders or any structural change in the roof.

TOWNHOUSE: One of a group or row of not less than two (2) nor more than twelve (12) attached, single family dwellings designed and built as a single structure facing upon a street in which the individual townhouse may or may not be owned separately. For the purpose of the side yard regulations, the structure containing the row or group of townhouses shall be considered as one building occupying a single lot.

VARIANCE: A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property, and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship.

YARD: A open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure, provided, however, that fences, walls, poles, posts, and other customary yards accessories, ornaments, and furniture may be permitted in any yard subject to the district regulations.

YARD, FRONT: A yard extending from the front lot line adjoining a public street to the front of the building between side lot lines.

YARD, REAR: A yard extending between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot to the nearest point of the main building.

YARD, REQUIRED: The required minimum open space between the property line and the yard line. The required yard shall contain no building or structure other than the projection of the usual steps, or open porches, or as otherwise provided in these regulations.

YARD, SIDE: A yard between a building and the side lot line measured horizontally at right angles to the side lot line from the side lot line to the nearest point of the main building.

ZONING BOARD OF ADJUSTMENT: The legally appointed county/municipal board empowered to hear and decide appeals from, and to provide interpretations of, the terms of the zoning ordinance and official maps as defined within this ordinance and in accordance with the laws of the State of Nebraska.

ZONING DISTRICT: The term "Zoning District" means an area delineated on a zoning map for which uniform use regulations are specified.

ZONING MAP: The term "Zoning Map" means a map or maps officially enacted by the governing body 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.

ZONING ADMINISTRATOR: The person or persons authorized and empowered by the governing body to administer the requirements of the zoning regulations.

ARTICLE 4

ESTABLISHMENT AND DESIGNATION OF DISTRICTS

4.1 PLANNING COMMISSION RECOMMENDATIONS

It shall be a purpose of the Planning Commission to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein. The Planning Commission shall make a preliminary report and hold public hearings thereon before submitting its final report, and the governing body shall not hold its public hearings or take action until it has received the final report of the Planning Commission.

4.2 DISTRICTS CREATED

For the purpose of this Ordinance, there are hereby created zoning districts, as named and described in Article 5 of this Ordinance.

1. AG Agriculture Residential District
2. R-1 Residential District
3. R-2 Residential District
4. C-1 Commercial Business District
5. C-2 Highway Commercial District
6. I-1 Industrial

4.3 OFFICIAL ZONING MAP

1. The boundaries of the district are shown upon maps, which are made a part hereof by reference, which map(s) are designated as the City of Laurel Zoning District Map, dated _____, 2000 and signed by the Mayor of the City and attested by the City Clerk and hereinafter referred to as the "Official Zoning Maps."
2. The signed copy of the Zoning Map(s) containing the zoning districts designated at the time of adoption of this ordinance shall be maintained in the office of the City Administrator for the use and benefit of the public.
3. If in accordance with the provisions of this ordinance, changes are made in the district boundaries or other matter portrayed on the Official Zoning Map(s), such changes shall be entered on the appropriate part of the Official Zoning Map(s) promptly after the amendment has been approved by the governing body, with an entry on the Official Zoning Map(s) as follows:

"On (date), by official action of the City Council, the following change was made in the Official Zoning Map(s) (brief description of the nature of the change),
"which entry shall be signed by the Mayor and attested by the City Clerk."

No amendment to this resolution/ordinance which involves matter portrayed on the Official Zoning Map(s) shall become effective until after such change and entry have been made on said map(s).

4. No changes of any nature shall be made in the Official Zoning Map(s) or matter shown thereon except in conformity with the procedures set forth in this ordinance.
5. In the event that the Official Zoning Map(s) become damaged, destroyed, lost or difficult to interpret, the City Council may, by ordinance, adopt a new Official Zoning Map(s) which shall supersede the prior Official Zoning Map(s).

The new Official Zoning Map(s) may correct drafting or other errors or omissions in the prior Official Zoning Map(s), but no such correction shall have the effect of amending the original Official Zoning Map(s) or any subsequent amendment thereof.

4.4 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

The following rules shall apply to the boundaries of districts as shown on the Official Zoning Map(s):

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines;
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
3. Boundaries indicated as approximately following City limits shall be construed as following such City limits;
4. Boundaries indicated, as following railroad lines shall be construed to be midway between the main tracks;
5. Boundaries indicated as parallel to or extension of features indicated in subsection 1 through 4 above shall be so construed. Distances not specifically indicated on the Official Zoning Map(s) shall be determined by the scale of the map.
6. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map(s), or in other circumstances not covered by subsection 1 through 5 above, the Board of Zoning Adjustment shall interpret the district boundaries.

ARTICLE 5

ZONING DISTRICTS

5.1 AG AGRICULTURAL RESIDENTIAL DISTRICT

5.11 INTENT: This district is intended to provide for agricultural and low-density, acreage residential development in selected areas adjacent or in close proximity to the corporate limits of the City. Generally, these districts are located near urban and built-up areas within reasonable reach of fire protection and hard surfaced roads.

5.12 PERMITTED PRINCIPAL USES AND STRUCTURES: The following shall be permitted as uses by right:

1. Agricultural uses, excluding the expansion of existing or development of new intensive livestock facilities operations/feedlots exceeding the confined feeding and the one animal unit per acre requirements;
2. Single-family dwelling;
3. Irrigation and flood control projects;
4. Child care home;
5. Public parks and recreational areas;
6. Community buildings and centers;
7. Community buildings and/or facilities owned and/or occupied by public agencies;
8. Public and/or private schools;
9. Churches, places of worship and cemeteries; and
10. Fish hatcheries and facilities.

5.13 PERMITTED ACCESSORY USES AND STRUCTURES: The following accessory uses and structures shall be permitted:

1. Accessory uses and structures normally appurtenant to the permitted uses and structures.
2. Home occupations in conformance with Article 8.2.
3. Residences including mobile homes for farm residence or adjacent farm residence for relatives of consanguinity and marriage or farm workers.
4. Roadside stands for sale of agricultural produce.
5. Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.

5.14 PERMITTED SPECIAL USES: A building or premises may be used for the following purposes in the AG Agricultural Residential District if a special use permit for such use has been obtained in accordance with Article 6 of these regulations:

1. Airports and heliports, including crop dusting;
2. Agricultural service establishments primarily engaged in performing agricultural, animal husbandry or horticultural services;
3. Child-care center;
4. Radio and television towers and transmitters;
5. Camp grounds;
6. Wind generating systems;
7. Kennels;
8. Public and private charitable institutions;
9. Greenhouses and nurseries;
10. Animal clinics, animal hospitals, and veterinarian services;
11. Auction/sale barns and yards; and
12. Waste water treatment facilities.
13. Any person or farm or acreage exceeding the following animal to acre ratio.

5.15 PROHIBITED USES AND STRUCTURES: All other uses and structures which are not specifically permitted or not permissible as exceptions shall be prohibited from the AG Agricultural Residential District.

5.16 MINIMUM AREA REQUIREMENTS:

<u>MINIMUM AREA REGULATIONS</u>	<u>PERMITTED USES</u>
Lot Area	100,000 sq. feet (septic soil type)
Lot Area	120,000 sq. feet (lagoon soil type)
Lot Width	150 feet
Required Front Yard	35 feet
Required Rear Yard	35 feet
Required Side Yard	20 feet

5.17 MAXIMUM HEIGHT: Thirty-five feet (35'); however, nonresidential structures shall have no height limitations except in conformance with the Airport Zoning Regulations.

5.18 PARKING REGULATIONS: Parking shall be in conformance with the provisions of Article 7 of these regulations.

5.19 INTERSECTIONS: No buildings or any other structure shall not be permitted within (200) feet of the center of an intersection of any public street, road or highway.

5.2 R-1 RESIDENTIAL DISTRICT

5.21 INTENT: This district is intended to provide for low density residential uses consisting of single family dwelling units and accessory structures.

5.22 PERMITTED PRINCIPAL USES AND STRUCTURES: The following shall be permitted as uses by right:

1. Single-family dwellings;
2. Manufactured homes that comply with the provisions of Article 8;
3. Nursery, primary and secondary education;
4. Public parks, buildings and grounds;
5. Child care homes;
6. Community buildings and centers;
7. Public uses: including but not limited to public parks, playgrounds, recreational uses, fire stations, public elementary and high schools, public utilities and utility distribution systems; and,
8. Places of worship such as churches and synagogues.

5.23 PERMITTED ACCESSORY USES AND STRUCTURES: The following accessory uses and structures shall be permitted:

1. Home occupations in accordance with Article 8.2; and
2. Accessory uses and structures normally appurtenant to permitted uses and structures.

5.24 PERMITTED SPECIAL USES: A building or premises may be used for the following purpose in the R-1 Residential District if a special permit for such use has been obtained in accordance with Article 6 of these regulations.

1. Medical clinics;
2. Mortuaries;
3. Child care center;
4. ~~Expansion of nonconforming uses;~~
5. Museum and art galleries;
6. Nursing homes;
7. Public and private golf courses;
8. Retirement homes;
9. Assisted living housing facilities;
10. Bed and breakfast homes;
11. Townhouses; and
12. Hospitals.

5.25 PROHIBITED USES AND STRUCTURES: All other uses and structures which are not specifically permitted or not permissible as special uses shall be prohibited from the R- 1 Residential District.

5.26 HEIGHT AND AREA REGULATIONS: The maximum height and minimum area regulations shall be as follows:

a) General Requirements:

	<u>Lot Area (Sq. Ft.)</u>	<u>Lot Width</u>	<u>Required Front Yard</u>	<u>Required Side Yard</u>	<u>Required Rear Yard</u>	<u>Height</u>
Single Family Dwelling	10,500	75''	25'	5'	30'	35'
Other Permitted Uses	10,000	75'	30'	7'	30'	35'

- b) There shall be a required front yard setback of twenty-five (25) feet on each street side of a double frontage lot;
- c) Buildings on corner lots shall provide front yard setbacks of twenty-five (25) feet on one street side and fifteen (15) feet on the other front yard and designate remaining yards as one rear and one side yard;
- d) Building and structures shall not exceed thirty-five (35) feet in height;
- e) The side yard setback between individual units of two-family dwellings may be reduced to zero, if a one-hour fire rated constructed common wall between units starting at the basement level and continuing through to the roof line is maintained.

5.27 PARKING REGULATIONS: Parking within the R- I Residential Ordinance District shall be in conformance with the provisions of Article 7 of this ordinance.

5.3 **R-2 RESIDENTIAL DISTRICT**

5.31 INTENT: It is the intent of this district to provide for the medium density residential uses and development of residential dwellings including mobile home parks and areas where individuals may purchase lots and attach mobile homes. Mobile home parks are considered as a residential use and should be located in areas where services and amenities are available such as those found in conventional residential uses.

5.32 PERMITTED PRINCIPAL USES AND STRUCTURES: The following shall be permitted as uses by right:

1. Single family dwellings;
2. Two-family dwellings;
3. Multi-family dwellings;
4. Child care homes;
5. Community buildings and centers;
6. Public uses: including but not limited to public parks, playgrounds, recreational uses, fire stations, public elementary and high schools, public utilities and utility distribution systems; and
7. Places of worship such as churches and synagogues,

5.33 PERMITTED ACCESSORY USES AND STRUCTURES: The following accessory uses and structures shall be permitted:

1. Home occupations in accordance with Article 8.2; and
2. Accessory uses and structures normally appurtenant to the permitted uses and structures.

5.34 PERMITTED SPECIAL USES: A building or premises may be used for the following purposes in the R-2 Residential District if a special permit for such use has been obtained in accordance with Article 6 of these regulations:

1. Mobile home park;
2. Child care center;
3. Bed and breakfast homes;
4. Communication and utility buildings and uses;
5. Medical clinics;
6. Funeral homes and mortuaries;
7. Clubs, fraternities, lodges, and meeting places of a non-commercial nature;
8. Retirement and/or nursing homes;
9. Assisted living housing facilities;
10. Public and/or private golf courses; and
11. Mobile homes for residential purposes.

5.35 PROHIBITED USES AND STRUCTURES: All other uses and structures which are not specifically permitted or not permissible as special uses shall be prohibited from the R-2 Residential District.

5.36 HEIGHT AND AREA REGULATIONS: The maximum height and minimum area regulations shall be as follows:

a) General Requirements

	<u>Lot Area</u> <u>(Sq. Ft.)</u>	<u>Lot</u> <u>Width</u>	<u>Required</u> <u>Front</u> <u>Yard</u>	<u>Required</u> <u>Side</u> <u>Yard</u>	<u>Required</u> <u>Rear</u> <u>Yard</u>	<u>Height</u>
Mobile Home	7,000	50'	25'	5'	15'	35'
Single Family Dwelling	7,000	50'	25'	5'	15'	35'
Two Family Dwelling	3,500 per dwelling	25' per dwelling	25'	5' or 7 1/2' on corner lots	15'	35'
Multi-family Housing	2,200 per family	50'	25'	5' or 7 1/2' on corner lots	15'	45'
Other Permitted Uses	7,000	50'	25'	5'	15'	35'

b) There shall be a required front yard set back of twenty-five (25) feet on each street side of a double frontage lot;

c) Buildings on corner lots with a width less than fifty (50) feet shall provide a second frontage on the street side of not less than seven feet, provided that the buildable width need not be reduced to less than twenty-eight (28) feet, yards remaining shall be designated side yards each with a minimum depth of three (3) feet;

d) Building on corner lots with a width of fifty (50) feet or greater shall provide a second frontage on the street side of not less than fifteen (15) feet, yards remaining shall be designated side yards with a minimum depth of five (5) feet;

e) Building and structures shall not exceed three (3) stories in height; and

- f) Mobile home parks shall be a minimum tract of one (1) acre.

5.37 PARKING REGULATIONS: Parking within the R-2 Residential District shall be in conformance with the provisions of Article 7 of these regulations.

5.38 USE LIMITATIONS: Each mobile home park shall be designed in accordance with the following minimum design standards:

1. Minimum Design Standards:

- a) The park shall be located on a well-drained site, properly graded to ensure rapid drainage and freedom from stagnant pools of water.

- b) Mobile home parks hereafter approved shall have a maximum density of seven (7) mobile homes per gross acre, and minimum area of four thousand four hundred (4,400) square feet shall be provided for each mobile home space.

- c) Each mobile home space shall be at least forty (40) feet wide at the front setback line and clearly defined.

- d) Mobile homes shall be located on each space so as to maintain a setback of no less than twenty-five (25) feet from any public street, highway right-of-way, or R-2 District boundary; as to maintain a setback of no less than twenty (20) feet from the edge of a park roadway or sidewalk; as to maintain a setback of no less than fifteen (15) feet from a rear boundary line that is not common to any public street, highway right-of-way, or R-2 District boundary; and as to maintain a setback of no less than five (5) feet from any side boundary line of a mobile home space.

- e) All mobile homes shall be so located to maintain a clearance of not less than twenty (20) feet from another mobile home and as to maintain a clearance of not less than fifteen (15) feet between any mobile home and any appurtenance to a mobile home. No mobile home shall be located closer than twenty (20) feet from any building within the park.

- f) Mobile home spaces when front upon a private roadway shall not be of less than twenty-four (24) feet in width, including curbs, if required, provided, however, that no on-street parking is permitted.

If parallel parking is permitted on one side of the street, the width shall be increased to thirty-six (36) feet. All roadways shall have unobstructed access to a public street.

- g) Common walks shall be provided in locations where pedestrian traffic is concentrated; for example, to the entrance and to the office and other important facilities.

- h) All roadways and sidewalks within the mobile home park shall be constructed in accordance with City standards and shall be adequately lighted at night. A street must be completely constructed prior to the occupancy of any mobile home space fronting on said street.
 - i) A community building may be provided which may include recreation
 - j) A storm shelter or an approved evacuation plan to a designated storm-shelter shall be provided.
 - k) A landscape buffer may be required to provide screening for the park.
2. Tiedowns and ground anchors: All mobile homes shall be secured to the ground by tie downs and ground anchors in accordance with industry standards.
 3. Blocking: All mobile homes shall be blocked at a maximum of ten (10) foot centers around the perimeter of each mobile home, and this blocking shall provide sixteen (16) inches bearing upon the stand.
 4. Pad Requirements: Shall be flexible surface with a minimum of five (5) 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 of a minimum of two eighteen (18) inch wide concrete ribbons or slabs capable of carrying the weight and of sufficient length to support all blocking points of the mobile home.
 5. Fire Safety Standards: When liquified petroleum gas is used in a mobile home park, containers for such gas shall not hold more than five hundred (500) gallon water capacity, shall be the liquified petroleum gas containers approved by the United States Commerce Commission for its intended purpose, and shall be attached to the mobile home in a manner approved by the Liquified Petroleum Gas Association.
 6. Skirting: Each mobile home shall be skirted within thirty (30) days after placement in the park by enclosing the open area under the unit with a material that is compatible with the exterior finish of the mobile home.

5.39 APPLICATION REQUIREMENTS:

1. An application for "MP" Mobile Home Park District shall prepare, or cause to be Mobile Home Park Plan, drawn to a scale of not less than 1"=100', and fifteen (15) copies of said Plan including a reproducible mylar shall be submitted to the Planning Commission for its review and recommendations. Said Plan shall be

designed in accordance with "Minimum Design Standards" of these regulations, and shall have contours shown at two-foot intervals.

2. Upon approval of the preliminary mobile home park plan by the Planning Commission, the applicant shall prepare and submit a final plan, which shall incorporate any changes or alterations requested. The final plan and the Planning Commission recommendations shall be forwarded to the Governing Body for their review and final action.
3. Any substantial deviation from the approved plan, as determined by the Zoning Administrator, shall constitute a violation of the zoning certificate authorizing construction of the project. Changes in plans shall be resubmitted for reconsideration and approval by the Planning Commission and Governing Body.

5.4 C-1 COMMERCIAL BUSINESS DISTRICT

5.41 INTENT: This district is designed to provide for a wide range of retail, office, amusement and service uses normally found in a Central Business District. Highest density and intensity of use are permitted in this district.

5.42 PERMITTED PRINCIPAL USES AND STRUCTURES: The following shall be permitted as uses by right:

1. Apartments on floors other than ground floor;
2. Automobile parts, supplies and services;
3. Building materials - retail
4. Bakery;
5. Banks, savings and loan associations, credit unions and finance companies;
6. Barbershops, beauty parlors and shoeshine shops;
7. Business offices;
8. Child care homes and centers;
9. Detached banking facilities (ATM)
10. Chiropractors, optometrists, dentists, physicians and other similar health related services;
11. Dry cleaning or laundry establishments;
12. Food service, restaurants and taverns;
13. Food storage lockers;
14. Funeral homes and mortuaries;
15. Garden centers;
16. Postal, mailing services and related services;
17. Gift, stationary, china and related retails;
18. Museums and art galleries;
19. Nursery, primary and secondary education;
20. Office buildings;
21. Parking lots, parking garages and other off-street parking facilities;
22. Personal and professional services;

23. Photography studios;
24. Private schools, including but not limited to business or commercial schools, and dance or music academies;
25. Public and private charitable institutions;
26. Public parks, buildings and grounds;
27. **Community buildings and centers;**
28. Public uses of an administrative, public service or cultural type including City, county, state or federal administrative centers and courts, libraries, police and fire stations and other public buildings, structures, and facilities;
29. Public utility facilities;
30. Sales and showrooms, including service facilities and rental of equipment, provided all displays and merchandise are within the enclosure walls of the buildings;
31. Service stations;
32. Stores or shops for the sale of goods at retail and/or wholesale;
33. Direct mail and telemarketing services;
34. Electrical and gas retail household appliances and services;
35. Employment services;
36. Furniture retail, upholstery and repair services;
37. General, hardware stores;
38. Insurance and brokers services;
39. Craft and jewelry making services and sales;
40. Motion picture theatres;
41. Newspapers publishing and printing;
42. Recycling drop-off point;
43. Household improvements retail;
44. Sporting goods retail and services;
45. Variety and discount stores retail; and
46. Wine, beer, alcoholic products and related sales.

5.43 PERMITTED ACCESSORY USES AND STRUCTURES: The following accessory uses and structures shall be permitted:

1. Home occupations in accordance with Article 8.2; and
2. Accessory uses and structures normally appurtenant to permitted uses and structures and to uses and structures permitted as special uses.

5.44 PERMITTED CONDITIONAL USES AND STRUCTURES: The following shall be when in conformance with the conditions prescribed herein:

1. Single family dwelling must comply with all provisions of the R-2 Residential District;
2. Two-family dwellings must comply with all provisions of the R-2 Residential District; and

3. Multiple family dwellings must comply with all provisions of the R-2 Residential district.

5.45 PERMITTED SPECIAL USES: A building or premises will be used for the following purposes in the C-1 Commercial Business District if a special permit for such use has been obtained in accordance with Article 6 of these regulations.

1. Bed and breakfast guest home.
2. Recycling center.
3. Communications/transmitting towers.

5.46 PROHIBITED USES AND STRUCTURES: All other uses and structures which are not specifically permitted or not permissible as special uses shall be prohibited from the C- 1 Commercial Business District.

5.47 SCREENING REQUIREMENTS:

1. Where a site adjoins or is located across an alley from the Residential District, a solid wall or fence or compact evergreen hedge six (6) feet in height shall be required on the property line common to such districts, except in a required front yard.
2. Open storage of materials attendant to a permitted use or special permit use shall be permitted only within an area surrounded or screened by a solid wall or fence.

5.48 PROHIBITED USES:

1. No use shall be permitted and no process, equipment or materials shall be used by the City to be objectionable to persons living or working in the vicinity by reasons of odor, fumes, dust, smoke, cinders, dirt refuse, noise, vibrations, illumination, glare, or unsightliness or to involve any hazard of fire or explosion.

5.49 HEIGHT AND AREA REGULATIONS: The maximum height and minimum area regulations shall be as follows:

a) General Requirements:

	<u>Lot Area (Sq. Ft.)</u>	<u>Lot Width</u>	<u>Required Front Yard</u>	<u>Required Side Yard</u>	<u>Required Rear Yard</u>	<u>Height</u>
Single Family Dwelling	5,000	50'	25'	7'	20'	35'
Two Family Dwelling	2,500 per family	25' per family	25'	7', 0' if party wall	20'	35'
Multi-Family Dwelling	1,750 per unit	50'	25'	7' or 10' if over 30' in height	20'	35'
Other Permitted Uses	2,500	25'	0'	0', 10' when abutting a residential district	15'	45'

5.5 C-2 HIGHWAY COMMERCIAL DISTRICT

5.51 INTENT: The C-2 Highway Commercial District is intended for the purpose of servicing highway travelers and providing limited commercial services. Off-street parking is required in order to reduce possible adverse effects on adjacent properties.

5.52 PERMITTED PRINCIPLE USES AND STRUCTURES: The following shall be permitted as uses by right:

1. Automobile sales;
2. Automobile wash facilities;
3. Churches and other religious institutions;
4. Construction sales and services;
5. Commercial operations and businesses, intended for the purpose of servicing travel and recreational users;
6. Commercial recreational facilities (bowling alleys, miniature golf courses and similar uses);
7. Detached banking facilities (ATM);
8. Electric and telephone substations;
9. Farm implement sales and services;
10. Garden centers and nurseries;
11. Irrigation equipment sales and services;
12. Mini warehouses;
13. Mobile homes sales;
14. Motels, including accessory service uses, such as swimming pools, liquor stores and restaurants;
15. Community buildings and centers;
16. Restaurants and cafes;
17. Service stations;
18. Single family homes;
19. Stores or shops for sale of goods at retail;
20. Transportation warehousing;
21. Trucks and freight terminals;
22. Utilities, including shops and offices; and
23. Medical clinics.

5.53 PERMITTED ACCESSORY USES AND STRUCTURES: The following accessory uses and structures shall be permitted:

1. Accessory uses and structures normally appurtenant to the permitted uses and structures and to uses and structures permitted as special uses.

5.54 PERMITTED SPECIAL USES: A building or premises may be used for the following purposes in the C-2 Highway Commercial District if a special use permit for such use has been obtained in accordance with Article 6 of these regulations.

1. Private clubs and lodges;
2. Facilities for the commercial storage or sale of fertilizer or toxic or flammable chemicals;
3. Radio studios, transmitters and antenna;
4. Recycling centers.

5.55 SCREENING REQUIREMENTS:

1. Where a site adjoins or is located across an alley from the Residential District, a solid wall or fence or compact evergreen hedge six (6) feet in height will be required on the property line common to such districts, except in a required front yard.
2. Open storage of materials attendant to a permitted use or special permit use shall be permitted only within an area surrounded or screened by a solid wall or fence.

5.56 PROHIBITED USES:

1. All other uses and structures which are not specifically permitted or permissible as special uses shall be prohibited from the C-2 Highway Commercial District.

5.57 MINIMUM LOT REQUIREMENTS:

1. The minimum lot area for permitted uses shall be ten thousand (10,000) square feet.
2. The minimum lot area for uses prescribed as special uses shall be subject to the approval of the City Council.

5.58 MINIMUM YARD REQUIREMENTS:

1. Front Yard: There shall be a minimum front yard of not less than a depth of twenty-five (25) feet from the front of the property lines.
2. Rear Yard: No limitations; unless abutting a Residential District then the minimum rear yard shall be fifteen (15) feet.
3. Side Yard: No limitations; unless abutting a Residential District then the minimum side yard shall be ten (10) feet.

5.59 PARKING REGULATIONS:

1. Parking within the C-2 Highway Commercial District shall be in conformance with the provisions of Article 7 of these regulations.

5.6 I-1 INDUSTRIAL DISTRICT

5.61 INTENT: This district is designed to provide for a wide range of industrial and related uses.

5.62 PERMITTED PRINCIPAL USES AND STRUCTURES: The following shall be permitted as uses by right:

1. Agriculture, excluding the expansion of existing or development of intensive livestock facilities/operations;
2. Animal care;
3. Automobile sales and services;
4. Automotive wash facilities;
5. Bottling works;
6. Building material sales, except for ready-mix concrete plants and similar uses which emit particulate, odor or smoke;
7. Carpenter, cabinet, plumbing or sheet metal shops;
8. Grain storage;
9. Construction sales and services;
10. Dry cleaning and/or laundry plants;
11. Farm implementation sales and services;
12. Farm produce sales;
13. Food service, restaurants and taverns; only under a Special Use Permit
14. Freight and truck terminals;
15. Frozen food lockers;
16. Furniture warehouses;
17. Garden centers and nurseries;
18. Groceries, retail and wholesale;
19. Manufacturing, compounding, processing, packaging, or treatment of articles or merchandise from previously prepared materials;
20. Manufacture of light sheet metal products including heating and ventilation equipment;
21. Machinery sales and storage lots;
22. Mobile and modular home sales and manufacturing;
23. Newspaper publishing plants;
24. Public and quasi-public uses of an educational, recreational or religious type including public and parochial elementary schools and junior high schools, high schools; private non-profit schools, churches, parsonages, and other religious institutions; parks and playgrounds;
25. Public utility and public service uses;
26. Self storage units;
27. Stone and monument works;
28. Transportation warehousing;
29. Warehouse or storage houses;

- 30. Wholesale sales and services; and
- 31. Fertilizer plants.

5.63 PERMITTED ACCESSORY USES: Accessory uses and structures normally appurtenant to permitted uses and structures.

5.64 PERMITTED SPECIAL USES: A building or premises may be used for the following purposes in the I- 1 Industrial District if a special permit for such use has been obtained in accordance with Article 6 of these regulations.

- 1. Junk and salvage yard.
- 2. Recycling center.
- 3. Ethanol and/or alcohol plants.
- 4. Communication/transmitting towers.

5.65 PROHIBITED USES AND STRUCTURES: All other uses and structures which are not specifically permitted or not permissible as special uses shall be prohibited from the I-1 Industrial District.

5.66 HEIGHT AND AREA REGULATIONS: The maximum height and minimum area regulations shall be as follows:

a) General Requirements:

	<u>Lot Area</u> <u>(Sq. Ft.)</u>	<u>Lot</u> <u>Width</u>	<u>Required</u> <u>Front</u> <u>Yard</u>	<u>Required</u> <u>Side</u> <u>Yard</u>	<u>Required</u> <u>Rear</u> <u>Yard</u>	<u>Height</u>
Permitted Uses	None	50'	35'	0', 10' when abutting a residential district	45'	35'

5.67 PARKING REGULATIONS: Parking within the I-1 Industrial District shall be in conformance with the provisions of Article 7 of these regulations.

ARTICLE 6

SPECIAL USE PERMIT

6.1 **GENERAL**

The City Council may authorize by special permit after public hearing, any of the following buildings or uses designated in this Ordinance as permitted special uses. Approval shall be based on findings that the location and characteristics of the use will not be detrimental to the health, safety, morals, and general welfare of the area.

Allowable uses may be permitted, enlarged, or altered upon application for a special use permit in accordance with the rules and procedures of this ordinance. The Council may grant or deny a special use permit in accordance with the intent and purpose of this ordinance. In granting a special use permit, the Council will authorize the issuance of a special use permit and shall prescribe and impose appropriate conditions, safeguards, and a specified time limit for the performance of the special use permit.

6.2 **PROCEDURES**

A request for a special use permit or modification of a special use permit may be initiated by a property owner or his authorized agent by filing an application with the Council upon forms prescribed for the purpose. The application shall be accompanied by a drawing or site plan and other such plans and data showing the dimensions, arrangements, descriptions data, and other materials constituting a record essential to an understanding of the proposed use and proposed modifications in relation to the provisions set forth herein. A plan as to the operation and maintenance of the proposed use shall also be submitted. The application shall be accompanied with a fee of \$_____ which is non-refundable.

Before issuance of any special use permit, the Council will consider the application for the special use permit together with the recommendations of the Planning Commission at a public hearing after prior notice of the time, place, and purpose of the hearing has been given by publication in a legal paper of general circulation in the City of Laurel, one time at least 10 days prior to such hearing. In addition to the publication of the notice herein prescribed, a notice, in sign form, of the hearing shall be posted in a conspicuous place on or near the property on which such action is pending. The sign shall be placed at least ten (10) days prior to date of each hearing.

The concurring vote of two-thirds of the members of the Council shall be necessary to grant a special use permit. No order of the Council granting a special use permit shall be valid for a period of longer than twelve months from the date of such order, unless the Council specifically grants a longer period of time upon the recommendation of the City Planning Commission.

Except as otherwise provided herein, no special use permit shall be granted by the City Council, without an affirmative vote of a majority of all members of the City Council and unless the proposed use is found to:

1. Be compatible with and similar to the use permitted in the district, and
2. Not be a matter which should require re-zoning of the property, and
3. Not be detrimental to adjacent property, and
4. Not tend to depreciate the value of the surrounding structures or property, and
5. Be compatible with the stated intended use of the district, and
6. Not change the character of the district, and
7. Be in accordance with the Comprehensive Plan.

In case of protest against such special use permit, signed by the owners of twenty percent (20%) or more either of the area of the lots included in such proposed change, or of those immediately adjacent on the side and in the rear thereof extending three hundred (300) feet, therefrom, and of those directly opposite thereto extending three hundred (300) feet from the street frontage of such opposite lots, such special use permit shall not become effective except by the favorable vote of three-fourths of all members of the City Council.

6.3 SALVAGE OR JUNK YARD

Salvage or junk yard operations and related facilities shall only be allowed by special permit in the AG and I- 1 Zoning Districts under the following conditions:

1. Located on a tract of land at least one-fourth (1/4) mile from a residential or agricultural farm residence.
2. The operation shall be conducted wholly within a noncombustible building or within an area completely surrounded on all sides by a fence, wall or hedge. The fence, wall or hedge shall be of uniform height (at least eight (8) feet high) and uniform texture and color shall be so maintained by the proprietor as to insure maximum safety to the public and preserve the general welfare of the neighborhood. The fence, wall or hedge shall be installed in such a manner as to retain all scrap, junk or other material within the yard and no scrap, junk or other material shall protrude above the fence.
3. No junk shall be loaded, unloaded or otherwise placed, either temporarily or permanently, outside the enclosed building, hedge fence or wall, or within the

public right-of-way. Permits will not be issued until proof of a \$500,000 clean-up bond has been presented and on record at the city clerk's office.

4. Any other requirement deemed appropriate and necessary by the City Council for the protection of the general health and welfare.

In making any decision granting a special use permit, the City Council shall impose such restrictions, terms, time limitations, landscaping, improvement of off-street parking lots, and other appropriate safeguards as required protecting adjoining property.

6.4 LANDFILLS

Landfill operations shall only be allowed by special permit in the AG Agriculture Residential District under the following conditions:

1. Located on a tract of land at least one-half (1/2) mile from a residential or agricultural farm residence.
2. The operation shall be conducted wholly within an area completely surrounded on all sides by a fence, wall or hedge. The fence, wall or hedge shall be of uniform height (at least eight (8) feet high) and uniform texture and color shall be so maintained by the proprietor as to insure maximum safety to the public and preserve the general welfare of the neighborhood. The fence, wall or hedge shall be installed in such a manner as to retain all material within the yard and no material shall protrude above the fence.
3. No material shall be loaded, unloaded or otherwise placed, either temporarily or permanently, outside the enclosed building, hedge fence or wall, or within the public right-of-way.
4. Any other requirement deemed appropriate and necessary by the City Council for the protection of the general health and welfare.
5. Special use permits granted under this section shall be subject to bonding requirements, annual review and renewal by the City Council.

In making any decision granting a special use permit, the City Council shall impose such restrictions, terms, time limitations, landscaping, improvement of off-street parking lots, and other appropriate safeguards as required protecting adjoining property.

ARTICLE 7

PARKING REGULATIONS

7.1 **TRAFFIC VISIBILITY:** On a corner lot in all districts except AG- Agricultural Residential and C-1 Commercial Business District, continuous unobstructed sight distance shall be provided for safe traffic operations. No obstructions, including fences, hedges, walls, shrubbery or other manmade or natural obstructions, shall exist between a height of two and one-half (2 1/2) and ten (10) feet within sight triangle. The following diagrams depict "sight triangles in which obstructions are prohibited:

7.2 **LOADING REQUIREMENTS:** In all districts loading areas shall be provided so that all vehicles loading, maneuvering, or unloading are completely off the public ways and so that all vehicles need not back onto any public way.

7.3 **PARKING REQUIREMENTS:** In all districts and in connection with every use, there shall be provided at the time any use or building is erected, enlarged, extended, or increased, off-street parking stalls for all vehicles in accordance with the following:

1. Adequate Access to a public street shall be provided for each parking space, and driveways shall be at least ten (10) feet wide for one and two family dwellings and a minimum of twenty-four (24) feet for all other uses.
2. Size of each parking space shall be not less than 180 square feet exclusive of the space required for ingress and egress.
3. Location is to be on the same lot as the principal use.
4. Surfacing. All off-street parking areas shall be graded and surfaced so as to reduce ambient dust conditions. Any parking area for more than ten vehicles shall have aisles and spaces clearly marked.

PARKING AND LOADING REQUIREMENTS

<u>Uses & Structures</u>	<u>Minimum Off-Street Parking Requirements</u>	<u>Minimum Off-Street Loading Requirement</u>
Single family residential structures including mobile home	1 space per dwelling unit	None required
Duplex and multi-family dwellings	2 spaces per dwelling units	None required
Mobile home park development	1 space per mobile home unit	None required
Lodging and boarding houses	2 per 3 guest beds and 1 for the managing resident.	None required
Nursery & Primary educational services	Parking spaces equal to 20% of capacity in students	2 spaces per structure
All other educational services	Parking spaces equal to 40% of capacity in students	2 spaces per structure
Libraries	1 space per 500 sq. ft. of floor area	1 space per structure
Medical clinics	5 spaces per staff	None required
Veterinary establishment	3 spaces per staff doctor	1 space per establishment
Sanitariums, convalescent and nursing home facilities	1 space per 3 beds plus 1 space per employee	1 space per establishment
Funeral homes & chapels	8 spaces per reposing room	2 spaces per establishment
Churches, synagogues,	1 space per 3 seats in main unit of worship. Where individual seats are not provided each 20' of bench or similar facility shall constitute 1 seating space	None required

Private clubs & Lodges	1 space per 200 sq. ft. of floor	1 space per establishment
Hotels	1 space per rental per unit establishment	1 space
Motels	1 space per rental unit, plus 1 space per employee	None required
Retail sales establishments	1 space per 200 sq. ft. of gross floor area plus 1 space per 2 employees	1 space per establishment
Service establishments and offices.	1 space per 200 sq. ft of gross floor area	1 space per establishment
Eating & Drinking Places	2 spaces per 5 seating Minimum Off-Street spaces plus 1 space per 2 employees	2 spaces per Minimum Off-Street establishment
Theaters, auditoriums, community buildings owned and/or occupied by public/private agencies and places of assembly	1 space per 4 seats, or 1 space per 4 people in designed capacity, whichever is greater	1 space per establishment
Bowling alleys	5 spaces per alley plus 1 space per employee	1 space per establishment
Roadside stands	4 spaces per establishment	None required
Wholesaling & Warehousing	1 space per employee on largest shift	2 spaces per establishment
Industrial & Manufacturing	1 space per employee on largest shift	2 spaces per establishment

ARTICLE 8

ACCESSORY USES AND SUPPLEMENTAL REGULATIONS

8.1 **ACCESSORY BUILDING**

Buildings and structures may be erected and land may be used for purposes that are clearly incidental to, and customarily and commonly associated with the main permitted use of the premises. Such accessory buildings and uses shall be so constructed, maintained and conducted as to not produce noise, vibration, concussion, dust, dirt, fly ash, odor, noxious gases, heat or glare which is injurious, damaging, unhealthful or disturbing to adjacent property, or the users thereof, and shall be on the premises of the main use.

Any accessory building shall have a minimum setback of three (5) feet and all garage entrances must have twenty (10) feet from a access street or alley. Attached garages are considered part of principal building.

8.2 **HOME OCCUPATIONS**

An occupation or activity carried on within the dwelling or accessory building by a member of the family residing on the premises, which occupation or activity is incidental and secondary to the residential occupancy and does not change the residential character nor infringe upon the right of neighboring residents to enjoy a peaceful occupancy of their homes.

The following conditions and restrictions shall apply to such customary home occupations:

- a. The primary use of the building or structure in which the occupation is situated shall clearly be the dwelling used by the person as his private residence.
- b. No assistant other than an immediate member of the family household shall be employed, and signs and displays shall be limited to one (1) nonilluminated sign not exceeding one (1) square foot in area.
- c. No equipment or machinery shall be used in such activities that is perceptible off the premises by reason of noise, smoke, odor, dust, radiation, electrical interference or vibration. Parking shall be handled in such a manner as to not impede or hinder traffic on any public right of way.
- d. No product shall be sold or delivered (received by customers) at wholesale or retail on the premises.

8.3 **MANUFACTURED HOMES:** All manufactured homes located outside mobile home parks shall meet the following standards:

- 8.31 The home shall have no less than nine hundred (900) square feet of floor area.
- 8.32 The home shall have no less than an eighteen (18) foot exterior width.
- 8.33 The roof shall be pitched with a minimum vertical rise of two and one-half (2 1/2) inches for each twelve (12) inches of horizontal run.
- 8.34 The exterior material shall be of a color, material and scale comparable with those existing in residential site-built, single family construction.
- 8.35 The home shall have a nonreflective roof material which is or simulates asphalt or wood shingles, tile or rock.
- 8.36 The home shall have wheels, axles, transporting lights and removable towing apparatus removed.
- 8.37 Nothing in this Article shall be deemed to supersede any valid restrictive covenants of record.
- 8.38 The home must meet building code requirements of the National Manufactured Home Standards adopted by the City and shall be placed on a permanent foundation as designated by the manufacturer.

8.4 **YARD REGULATIONS:**

- 8.41 **Front yards:** The front yards heretofore established shall be adjusted in the following cases:

Where forty percent (40%) or more of the frontage on one side of a street between two intersecting streets is developed and the buildings on this side of a block have observed a front yard greater in depth than herein required, new buildings shall not be erected closer to the street than the average front yard so established by the existing buildings provided that no building shall be required to have a front yard setback of more than fifty (50) feet.

Where forty percent (40%) or more of the frontage on one side of a street between two intersecting streets is developed with buildings that have a front yard less than the required, new buildings shall not be erected closer to the street than the nearest building on the block.

8.42 Structural Projections: The ordinary projections of chimneys and flues, buttresses, eaves, overhangs, open-unenclosed steps or stoops up to 5' in height may extend into required yards for a distance of not more than two (2) feet in the required side yard and not more than five (5) feet in the required front yard.

8.5 EXCEPTIONS TO HEIGHT REGULATIONS: The height limitations contained in the Schedule of District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy and agricultural structures.

8.6 SOLAR ENERGY CONVERSION SYSTEMS: This ordinance promotes the accommodation of on-site solar energy conversion systems in the City of Laurel, Nebraska, with the intent to reduce energy consumption, regulate necessary equipment and promote adequate access to sunlight. This ordinance also addresses utility-scale solar energy conversion systems, or “solar farms”, intended for the sale of electricity to utilities, industries, and/or businesses. Solar energy conversion systems, excluding solar farms, shall be permitted in all zoning districts as a permitted accessory (special) use.

1. Definitions

A. Battery Back-Up: A battery system that stores electrical energy from a solar energy conversion system for use in the future.

B. Combiner or Junction Box: Combines the electrical flows from multiple strings of solar panels into a single-source output circuit.

C. Electricity Generation - The amount of electric energy produced by transforming other forms of energy, commonly expressed in kilowatt-hours (kWh) or megawatt-hours (MWh).

D. Ground-Mount System - A solar energy system that is attached to an anchor in the ground and wired to connect to the meter of a home or building.

E. Kilowatt (kW) - Equal to 1,000 Watts; a measure of the use of electrical power.

F. Kilowatt-hour (kWh) - A unit of energy equivalent to one kilowatt (1 kW) of power expended for 1 hour of time.

G. Megawatt (MW) - Equal to 1,000 Kilowatts; a measure of the use of electrical power.

H. Megawatt-hour (MWh) - A unit of energy equivalent to one Megawatt (1 MW) of power expended for one hour of time.

- I. Net Metering:** A billing arrangement that allows customers with grid-connected solar electricity systems to receive credit for any excess electricity generated on-site and provided to the utility grid.
- J. Photovoltaic (PV) System:** An energy producing system that utilizes semiconductor devices, called photovoltaic cells, which generate electricity when exposed to sunlight.
- K. Pole-Mount Systems:** A solar energy system that is directly installed on specialized pole-attached systems, anchored to a concrete foundation in the ground, and wired underground to the meter.
- L. PV-Direct Systems:** A Solar Energy Conversion System designed to only provide electricity during sunlight.
- M. Roof-Mount System** - A solar energy system consisting of solar panels installed directly on the roof of a primary or accessory structure.
- N. Solar Access:** The ability to receive sunlight across property lines without obstruction from another's property.
- O. Solar Array:** Multiple solar panels combined together to create one system.
- P. Solar Collector:** A solar PV cell, panel, or array, or solar thermal collector device, that relies upon solar radiation as an energy source for the generation and transfer of electricity.
- Q. Solar Energy Conversion System:** A system capable of collecting and converting solar radiation into heat or mechanical or electrical energy which is then transferred to a point of use, including, but not limited to, water heating, space heating or cooling, electric energy generation, or mechanical energy generation.
- R. Solar Farm:** An area of land designated use for the sole purpose of deploying photovoltaic power and generating electric energy.
- S. Solar Panel/Module:** A device for the direct conversion of sunlight into useable solar energy (including electricity or heat).
- T. Tilt:** The angle of the solar panels and/or solar collector.
- U. Watts (W)** - A measure of the use of electrical power (power (Watts) = voltage (volts) X current (Amps)).

2. Personal Scale Solar Energy Conversion System Requirements

A. A solar energy system shall provide power, solely, for the principal use and/or accessory use of the property on which the solar energy system is located.

B. The installation and construction of a *roof-mount solar energy system* shall be subject to the following development and design standards:

1. A roof or building mounted solar energy system may be mounted on a principal or accessory building.

2. Any height limitations of the zoning district within shall not be applicable to solar collectors provided that such structures are erected only to such height as is reasonably necessary to accomplish the purpose for which they are intended to serve, and that such structures do not obstruct solar access to neighboring properties.

3. Placement of solar collectors on flat roofs shall be allowed, provided that panels do not extend horizontally past the roofline.

C. The installation and construction of solar energy conversion systems shall be subject to the following development and design standards:

1. The height of the solar collector and any mounts shall not exceed 10 feet when oriented at maximum tilt.

2. The surface area of a ground- or pole-mounted system, regardless of the mounted angle, shall be calculated as part of the overall lot coverage.

3. The minimum solar energy system setback distance from the property lines shall be equivalent to the building setback or accessory building setback requirement of the underlying zoning district.

4. All power transmission lines from a ground mounted solar energy system to any building or other structure shall be located in proper accordance with local building/electrical code.

5. The collector surface and mounting devices for roof-mounted solar systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built.

6. For all roof-mounted systems other than a flat roof, the elevation must show the tilt of the solar collector and the slope of the finished roof surface on which it is mounted.

7. For flat roof applications, a drawing shall be submitted showing the distance to the roof edge and any parapets on the building.

D. All electrical equipment associated with the operation of solar energy conversion systems shall comply with the setbacks specified for accessory structures in the underlying zoning district.

E. Solar panel placement should be prioritized to minimize or negate any glare onto nearby properties or roadways, without unduly impacting the functionality or efficiency of the solar system.

F. A solar energy system shall not be constructed until a building/zoning permit has been approved and issued.

G. Electric solar energy system components must have a UL listing and must be designed with anti-reflective coating(s).

3. Solar Farms

A. The height of the solar collector and any mounts within an established solar farm shall not exceed 20 feet when oriented at maximum tilt.

B. Solar farms with panels located at least one hundred fifty (150) feet from an adjacent public road right-of-way, or adjacent property line, shall not require screening.

C. Solar farms with panels located less than one hundred fifty (150) feet from an adjacent public road right-of-way, or adjacent property line, must provide landscaping and/or trees to visually obscure the facility from the public road.

D. Solar Farm Application Requirements.

1. A site plan denoting the dimensions of the parcel, proposed solar farm location (arrangement of panels), distance from the proposed area to all property lines and location of the driveway(s). No portion of the system area may encroach into the required setbacks.

2. Horizontal and vertical (elevation) to-scale drawings with dimensions. The drawings must show the location of the system on the property and its relationship to adjacent roads or highways.

3. If applicable, the applicant must apply and receive from the Nebraska Department of Transportation (NDOT) authorization for a private driveway or access easement from a State or Federal Highway, or submit documentation from NDOT that the existing site access is acceptable for the required use prior to final project approval.

E. Installation and Design.

1. Electric solar energy system components must have a UL listing and must be designed with anti-reflective coating(s).
2. All solar farms shall meet all requirements of the Nebraska State Fire Marshal and Electrical Division.
3. Plan applications for solar energy systems shall be accompanied by horizontal and vertical (elevation) to-scale drawings with dimensions. The drawings must show the location of the system on the building for a roof-mounted system or on the property for a ground-mounted system, including the property lines.

4. Safety and Inspections

- A. The design of the solar energy system shall be in conformance with the Nebraska State Fire Marshal and Electrical Division requirements for inspection and licensing. A building permit reviewed by City of Laurel staff/Planning & Zoning Committee shall be obtained for a solar energy system.
- B. The solar energy system shall comply with all applicable regulations of the City of Laurel, so as to ensure the structural integrity of such solar energy system.
- C. Prior to operation, electrical connections must be inspected by an appropriate electrical inspection person or agency, as determined by City of Laurel staff.
- D. Any connection to the public utility grid must be approved by the local public utility.
- E. If solar storage batteries are included as part of the solar collector system, they must be installed according to all requirements set forth in the National Electric Code and State Fire Code when in operation. When no longer in operation, the batteries shall be disposed of in accordance with the laws and regulations of the City of Laurel, Nebraska, and any other applicable laws and regulations relating to hazardous waste disposal.
- F. Unless otherwise specified, the property owner of record will be presumed to be the responsible party for owning and maintaining the solar energy system.

5. Decommissioning and Abandonment

- A. The developer/property owner shall submit a decommissioning plan, which shall include at a minimum:

1. The anticipated life of the project,
2. The estimated decommissioning costs and source(s) of financing for removing all above ground facilities and underground improvements to a depth of three (3) feet, net of salvage value, in current dollars,
3. The method or process of ensuring that decommissioning will be properly and timely completed. In considering an acceptable assurance, the County may accept as sufficient decommissioning, the obligations contained in contracts between the wind project owner and the applicable landowners and/or project purchasers.
4. The anticipated manner in which the project will be decommissioned, and
5. The time period in which the decommissioning shall be completed.

B. A ground or pole-mounted solar energy system is considered to be abandoned or defective if it has not been in operation for a period of twelve (12) months. If abandoned, the solar energy system shall be repaired by the owner to meet federal, state, and local safety standards, or be removed by the owner within the time period designated by the City of Laurel Building Code Official. If the owner fails to remove or repair the defective or abandoned solar energy system, the City of Laurel may pursue a legal action to have the system removed at the owner's expense.

6. Appeals

A. If the owner of a solar energy system is found to be in violation of the provisions of this Ordinance, appeals should be made in accordance with the established procedures of the City of Laurel Zoning Regulations.

8.7 SMALL WIND ENERGY CONVERSION SYSTEMS (SWECS): A Small Wind Energy Conversion System (SWECS) is a facility used for the production of a maximum of Twenty-Five (25) kilowatts of electrical energy supplied by the wind. The facility may include wind turbine(s) with total height(s) of one hundred (100) feet or less and any transmission lines. The SWECS is primarily used to generate energy for use by its owner. A small wind energy facility shall be sited and designed to minimize adverse visual impacts on neighboring properties. **To be used in conformance with Nebraska State Statutes 70-2001 through 70-2005, regarding Net Metering.**

1. General Site and Design Standards

a. Located on a lot or parcel of at least three (3) acres;

- b. Shall be permitted by an approved **Special Use Permit** to be issued in the “AG”, “R-1”, R-2”, “C-1”, “C-2” and “I-1” Zoning Districts.
- c. SWECS shall maintain a minimum setback distance from any property line of one and one-half (1.1) times the total system height of the windmill for non-participating property owners. Adjoining property owners (second or third additional farm/ranch single dwelling units for the purpose of housing relatives or permanent agriculture workers) participating in the same or “Aggregated Project” shall have no setback requirements between adjoining properties.
- d. SWECS shall maintain a minimum setback distance from any public road, or highway of at least one point one (1.1) times the total system height of the windmill from the public road or highway right-of-way.
- a. In no case shall a SWECS be located within any required setback or in any front yard area.
- f. Turbines and towers shall be of tubular design and if painted or coated, shall be of a non-reflective white, grey, or other neutral color and shall not be used to display advertising.
- g. SWECS shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration (FAA).
- h. All electrical wires associated with a small wind energy system other than the wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires shall be located underground.
- i. The minimum distance between the ground and any part of the rotor blade system shall be thirty (30) feet.
- j. All ground mounted electrical and control equipment must be labeled and secured to prevent unauthorized access. A tower may not have step bolts or a ladder within eight (8) feet of the ground that is readily accessible to the public.
- k. The owner of a small wind energy facility shall minimize or mitigate any interference with electromagnetic communications, such as radio, telephone or television signals caused by the facility.
- l. Construction access must be re-graded and re-vegetated to minimize environmental impacts.

- m. A SWECS application must include an agreement that addresses decommissioning and abandonment of the facility. The agreement must at a minimum provide for reuse or dismantlement of the facility at the owner's expense.

2. Application Requirements

- A. A survey map at an appropriate scale identifying:
 - a. Site boundary;
 - b. Adjacent public right-of-ways;
 - c. Existing structures;
 - d. Proposed small wind energy system and accessory structures;
 - e. Adjacent ownership and existing residences;
 - f. Any overhead utility lines.
- B. A report from a licensed engineer containing:
 - a. Small wind system specifications including manufacturer and model; rotor diameter, tower height, tower type (freestanding or guyed);
 - b. Documentation to establish that the tower has sufficient structural integrity for the proposed use at the proposed location;
 - c. Certification that the small wind energy system complies with all applicable state construction and electrical codes and the National Electrical Code.
- B. Compliance with FAA Regulations, including any Documentation required by the FAA certifying approval of proposed location when located within the ten (10) mile Planning Jurisdiction of any airport.
- C. Signed letter of Notification by the property owner submitted to the Electrical Supplier/Purchaser, Cedar County Assessor's Office, and City of Laurel Zoning Administrator, signifying utility service is approved.
- D. Require proof of insurance on application.

ARTICLE 9

BOARD OF ZONING ADJUSTMENT

9.1 CREATION, MEMBERSHIP

The City Board of Zoning Adjustment is hereby created and shall be known as the City Board of Zoning Adjustment. The members of said board shall be appointed by City Council.

One (1) member only of said board shall be appointed from membership of the Planning Commission and the loss of membership on the planning commission by such member shall also result in the immediate loss of membership on the City Board of Zoning Adjustment.

Said board shall consist of (5) five regular members, plus one additional member designated as an alternate who shall attend and serve only when one of the regular members is unable to attend for any reason, each to be appointed for staggered terms of three (3) years and removable for cause by the City Council upon written charges and after public hearings. Vacancies shall be filled for the unexpired terms of any member whose terms becomes vacant.

The members of the Board shall elect one of their number as chairperson and another as vice-chairperson and another secretary.

9.2 MEETINGS

Meetings of the Board of Zoning Adjustment shall be held at the call of the chairperson and at such times as the Board may determine. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the City Clerk and shall be a public record.

9.3 INTERPRETATIONS AND VARIANCES

9.31 The Board of Adjustment shall, subject to appropriate conditions and safeguards as specified in these regulations, have the following powers (Ref. 23-168.01 R.S. Neb.):

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official or planning commission based on or made in the enforcement of any zoning regulation or any regulation relating to the location or soundness of structures;

2. To hear and decide, in accordance with the provisions of any regulation, requests for interpretation of any maps, or for decisions upon other special questions upon which the Board is authorized by any such regulation to pass; and
3. Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of adoption of the Zoning Ordinance, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any enacted regulation under this act would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon the owner of such property, to authorize, upon appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardships, if such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of these zoning regulations, but no such variance shall be authorized unless the Board finds that:
 - a. The strict application of the regulation would produce undue hardship;
 - b. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity;
 - c. The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance; and
 - d. The granting of such variance is based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit or caprice.

9.32 No variance shall be authorized unless the Board finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonable practicable the formulation of a general regulation to be adopted as an amendment to the zoning regulations.

9.33 In exercising the above-mentioned powers such Board may, in conformity with the provisions of said sections, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as shall be proper, and to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of four (4) members of the board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such regulation or to effect any variation in such regulation.

9.4 PROCEDURES FOR REQUESTING A VARIANCE

The procedures to be followed by the Board of Zoning Adjustment shall be as follows.

9.41 Appeals to the Board may be taken by any person aggrieved or by any officer, department, governmental agency affected by any decision of the zoning administrator. Such appeal shall be made within ten (10) days from the date of decision by any city officer or department. The appeal filed in writing shall define the appeal being requested and the grounds therefor. The officer from whom the appeal is taken shall forthwith transmit to the Zoning Board of Adjustment all the paper constituting the record upon which the action appealed from was taken.

9.42 The chairperson of the Board shall set a hearing within thirty (30) days of receipt of the appeal. The time, date, place of the hearing, and description of the request shall be published in a local newspaper of general circulation ten (10) days prior to the actual hearing. The Board shall also notify the interested parties in the case of the hearing date, time and place.

9.5 APPEALS FROM THE BOARD OF ZONING ADJUSTMENT

Any person or persons, jointly or separately, aggrieved by any decision of the Board of Zoning Adjustment, or any officer, departments, board or bureau of the City, may seek review of such decision by the district court for the City in the manner provided by the laws of the State and particularly by Section 19.912.

ARTICLE 10

ADMINISTRATIVE PROVISIONS, ENFORCEMENT AND FEES

10.1 ENFORCEMENT

10.11 ZONING ADMINISTRATOR: This ordinance shall be enforced and administered by a Zoning Administrator who shall be appointed by the City Council and who may be provided with the assistance of such other persons as the City Council may direct an order to carry out the following duties and responsibilities:

1. Approve and issue all building permits and occupancy certificates when compliance is made with this ordinance.
2. Conduct inspections of buildings, structures and uses of land to determine compliance with the provisions of this ordinance.
3. Receive, file and forward to the Board of Zoning Adjustment the records in all appeals for variances.
4. Maintain permanent and current records of the Zoning Ordinance including but not limited to, all zoning maps, amendments, special use permits, variances, appeals and applications thereof and records of hearings thereon.
5. Prepare and have available in book, pamphlet or map for each year.
 - a. The compiled text of the Zoning Ordinance and amendments thereto, including all amendments adopted through the preceding December 31; and
 - b. A zoning map or maps, showing the zoning districts, divisions and classifications in effect on the preceding December 31.
6. Whenever the Zoning Administrator shall find that any of the provisions of this ordinance have been or are being violated, he/she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He/she may order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings, structures or additions or alterations thereto; discontinuance of any illegal work being done; or take any other appropriate action authorized by this ordinance to insure compliance with, or to prevent violation of, its provisions.

10.2 BUILDING PERMITS REQUIRED

10.21 GENERAL: No building or other structure shall be erected, moved, added to, or structurally altered without a building permit first having been issued by the Zoning Administrator. No building permit shall be issued unless the proposed construction or use is in conformance with all of the provisions of this ordinance and with all other applicable codes, regulations and laws of the City of Laurel and with all orders, and variances lawfully issued by the Board of Adjustment. A building permit shall not be required for agricultural (nonresidential) buildings or structures in the AG Agricultural Residential Districts or for improvements which have a value of one thousand dollars (\$1,000) or less. Construction must begin within ninety (90) days of issuance of the permit. The building permit will be valid for a period of two (2) years.

10.22 APPLICATION FOR BUILDING PERMIT: All applications for a building permit shall be accompanied by a plot plan showing the location, ground area, height and bulk of all present and proposed structures, additions, parking areas and site improvements; the actual dimensions and shape of the lot lines; the uses to be built upon; the building lines in proposed structures or additions; and any other reasonable and pertinent information as may be required by the Zoning Administrator or the proper enforcement of this ordinance.

10.23 APPROVAL OR DISAPPROVAL OF PERMIT: The Zoning Administrator shall examine all applications for building permits, including plans, specifications and documents filed therewith and shall either approve or disapprove such application within thirty (30) days of receipt of same. Upon approval and receipt of required fees, the Zoning Administrator shall promptly issue the building permit and shall affix his/her signature to the permit and the plans and mark the plans "Approved." Upon disapproval of the application, the Zoning Administrator shall refuse to issue the permit and shall state in writing on the plans the reasons for disapproval, affix his/her signature and mark the plans "Disapproved."

10.24 APPEAL FROM APPROVAL OR DISAPPROVAL: An appeal from approval or disapproval of any application shall be made to the Board of Adjustment in writing within ten (10) days after the determination of the Zoning Administrator has been filed.

10.3 CERTIFICATION OF OCCUPANCY REQUIRED

10.31 GENERAL: No building, structure or land shall be used or occupied, in whole or in part, nor shall any change made in the use or type of occupancy of an existing building or structure requiring a building permit, nor shall any change be made in the use of land, except to any use which is primarily agricultural, unless a certificate of occupancy shall be issued by the Zoning Administrator in accordance with this ordinance.

10.32 TEMPORARY CERTIFICATE: Upon request, the Zoning Administrator may issue a partial certificate of occupancy for a period not to exceed ninety (90) days, for a building or structure or part thereof, before the entire work covered by the building permit shall have been completed, provided such portion or portions as have been completed may be occupied safely without endangering life or the public welfare.

10.33 APPLICATION FOR CERTIFICATE OF OCCUPANCY: All applications for certificate of occupancy shall be made by the owner or his agent and shall be accompanied by an affidavit of the owner, registered architect, licensed professional engineer, or superintendent of construction who shall state that he has examined the approved plans of the structure, that said structure has been erected in accordance with the approved plans and that it complies with this ordinance and all local code and resolutions/ordinances governing building construction. The application and affidavit shall be filed with the Zoning Administrator.

10.34 ISSUANCE OF CERTIFICATE OF OCCUPANCY: Before issuing a certificate of occupancy, the Zoning Administrator shall examine all buildings, structures or sites for which an application has been filed for a building permit to construct, enlarge, alter, repair, remove, demolish, or change the use or occupancy. The Zoning Administrator shall maintain a record of all examinations and inspections, together with a record of findings of violations of the law.

10.35 A certificate of occupancy shall be deemed to authorize, and is required for, both initial and continued occupancy and use of the building or land to which it applies, and shall continue in effect so long as such building or land is used as authorized in the certificate of occupancy.

10.4 SCHEDULE OF FEES

10.41 The schedule of fees shall be established for this Zoning Ordinance by City Council. The schedule of fees shall be posted in the office of the Zoning Administrator and may be altered or amended only by the City Council. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

ARTICLE 11

AMENDMENT

11.1 GENERAL

The City Council may from time to time supplement, change or generally revise the boundaries or regulations contained in this ordinance. A proposal for such amendment may be initiated by the City Council, Planning Commission or upon application of the owner of the property affected. A filing fee established by the City Council is required for each application to be considered by the Planning Commission.

11.2 SUBMISSION TO PLANNING COMMISSION

All such proposed amendments shall first be submitted to the Planning Commission for recommendation and report. Upon the development of tentative recommendations, the Planning Commission shall hold a public hearing thereon and shall cause an accurate written summary to be made of proceedings, and shall give notice in like manner as that required for the original zoning recommendations. Such notice shall fix the time and place for such hearing and contain a statement regarding the proposed changes in regulations or restrictions or in the boundary of any district.

If such proposed amendment is not a general revision of an existing provision of this ordinance, and will affect specific property, it shall be designated by legal description and general street location and in addition to such publication notice, written notice of such proposed amendment shall be mailed to all owners of lands located within three hundred (300) feet of the area proposed to be altered and an opportunity granted to interested parties to be heard.

11.3 AMENDMENT CONSIDERATION AND ADOPTION

The procedure for the consideration and adoption of any such proposed amendments shall be in like manner as that required for the consideration and adoption of the ordinance except herein before or herein after modified. For action on zoning amendments, a quorum of the Planning Commission is more than one-half (1/2) of all the members. A vote either for or against an amendment by a majority of all the Planning Commission members present constitutes a recommendation of the commission; whereas a vote either for or against an amendment by less than a majority of the Planning Commission present constitutes a failure to recommend. When the Planning Commission submits a recommendation of approval or disapproval of such amendment, the City Council, if it approves such recommendation, may either adopt such recommendation by ordinance or take no further action thereof as appropriate. In the event the Planning Commission submits a failure to recommend, the City Council may take such action as it deems appropriate. Upon receipt of a recommendation of the Planning commission which the City Council disapproves, the said governing body shall return such recommendation to

the Planning Commission with a statement specifying the basis for disapproval, and such recommendation shall be considered in like manner as that required for the original recommendation returned to the Planning Commission. If such amendment shall affect the boundaries of any district, the ordinance shall define the change or the boundary as amended, shall order the Official Zoning Map(s) to be changed to reflect such amendment, and shall amend the section of the ordinance incorporating the same and reincorporate such Map as amended.

11.4 PROTEST

Regardless of whether or not the City Council approves or disapproves a proposed zoning amendment or fails to recommend, if a protest against such amendment be filed in the office of the City Clerk within fourteen (14) days after the date of the conclusion of the public hearing pursuant to said publication notice, duly signed and acknowledged by the owners of twenty percent (20%) or more either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof extending three hundred (300) feet therefrom, or of those directly opposite thereto extending three hundred (300) feet from the street frontage of such opposite lots, such amendments shall not become effective except by the favorable vote of three-fourths (3/4) majority of the City Council.

ARTICLE 12

COMPLAINTS, PENALTIES, REMEDIES

12.1 COMPLAINTS REGARDING VIOLATIONS

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Administrator. He/she shall record properly such complaint, immediately investigate, and take action thereon as provided by these regulations.

12.2 PENALTIES

The owner or agent of a building or premises in or upon which a violation of any provisions of this ordinance has been committed or shall exist or lessee or tenant of an entire building or entire premises in or upon which such violation shall exist, shall be guilty of a misdemeanor. Each and every day that such violation continues after notification shall constitute a separate offense.

Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

12.3 REMEDIES

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained; or any building, structure or land is used in violation of these regulations the appropriate authorities of the City may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct or abate such violation; to prevent the occupancy of said building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises.

ARTICLE 13

LEGAL STATUS PROVISIONS

13.1 SEPARABILITY

Should any article, section or provisions of these regulations be declared by the courts to be unconstitutional or invalid, such decisions shall not affect the validity of this ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

13.2 PURPOSE OF CATCH HEADS

The catch heads appearing in connection with the foregoing sections are inserted simply for convenience, to serve the purpose of any index and they shall be wholly disregarded by any person, officer, court or other tribunal in construing the terms and provisions of these regulations.

13.3 REPEAL OF CONFLICTING ORDINANCES

All other ordinances and regulations in conflict with this ordinance are hereby repealed to the extent necessary to give these regulations full force and effect.

13.4 EFFECT DATE

This ordinance shall take effect and be in force from and after its passage and publication according to law.

Adopted and approved by the City Council of Laurel, Nebraska this _____ day of _____, 2000.

(seal)

Mayor

ATTEST:

City Clerk