CITY OF GENOA
NANCE COUNTY, NEBRASKA

ZONING ORDINANCE

ADOPTED BY THE CITY OF GENOA, NEBRASKA

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ARTICLE 1: TITLE AND PURPOSE

Section 1.01 Title

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

Section 1.02 Purpose

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

ARTICLE 2: DEFINITIONS

Section 2.01 Rules

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

2.01.01 Words and numbers used singularly shall include the plural. Words and numbers used in the plural shall include the singular. Words used in the present tense shall include the future.

2.01.02 The word "persons" includes a corporation, members of a partnership or other business organization, a committee, board, council, commission, trustee, receiver, agent or other representative.

2.01.03 The word "shall" is mandatory. The word “may” is permissive.

2.01.04 The words "use", "used", "occupy" or "occupied" as applied to any land or building shall be construed to include the words "intended", "arranged" or "designed" to be used or occupied.

2.01.05 The word "commission" shall refer to the Planning Commission of Genoa, Nebraska.

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

Section 2.02 Abbreviations and Acronyms

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

ADA = Americans with Disabilities Act
A.U. = Animal Unit
CFR = Code of Federal Regulations
DU = Dwelling Unit
DNR= Department of Natural Resources
FAA = Federal Aviation Administration
FCC = Federal Communication Commission
FEMA = Federal Emergency Management Agency
GFA = Gross Floor Area
HUD = US Department of Housing and Urban Development
KV = Kilovolt
KW = Kilowatt
NDEQ= Nebraska Department of Environmental Quality
NDOR= Nebraska Department of Roads
NEMA= Nebraska Emergency Management Agency
NHHS= Nebraska Department of Health and Human Services
NPDES = National Pollutant Discharge Elimination System
NRCS = Natural Resources Conservation Service
USC = United States Code
USACE = United States Army Corps of Engineers
USDA = United States Department of Agriculture

Section 2.03 Definitions

A

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

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

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

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

Example of an Accessory Use

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

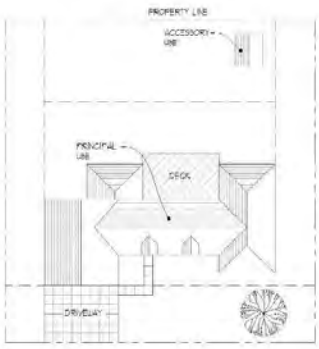
ACCESSORY DWELLING UNIT shall mean a separate, complete housekeeping unit with a separate entrance, kitchen, sleeping area, and full bathroom facilities, which is an attached or detached extension to an existing single-family structure.

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

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

ADJACENT shall mean near, close, or abutting. For example, an Industrial District across the street or highway from a Residential District shall be considered "adjacent" to the Residential District.

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



Accessory Building
Accessory Use

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

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

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

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

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

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

ANIMAL, DOMESTIC see Household Pet.

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

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

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

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

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

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

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

Apartment Complex

APARTMENT HOUSE see Dwelling, Multiple Family.

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

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

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

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

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

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

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

An Example of a stand-alone ATM

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

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

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

B

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

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

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

BASEMENT shall mean that portion of a building which is partially or wholly below ground level. This portion is not a completed structure and serves as a substructure or foundation for a building.

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

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

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

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

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

BILLBOARD see Sign, Billboard.

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

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

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

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

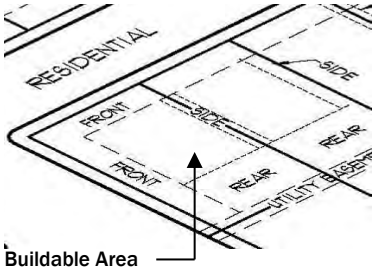
BREW-ON PREMISES STORE shall mean a facility that provides the ingredients and equipment for a customer to use to brew malt liquor at the store. Brew-on-premises stores do not include the sale of intoxicating liquor, unless the owner of the brew-on-premises store holds the appropriate liquor license.

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

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

BREWERY, CRAFT shall mean a brew pub or a micro brewery.

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



Example of Buildable Area

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

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

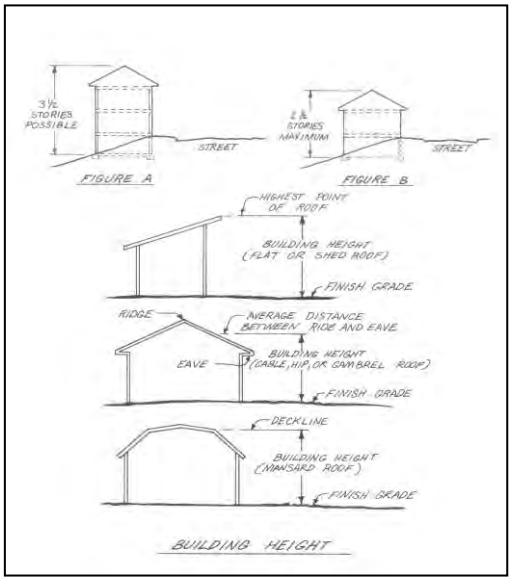
BUILDABLE AREA shall mean that part of a zoning lot not included within the required yards or subject to other restrictions herein required.

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

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

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

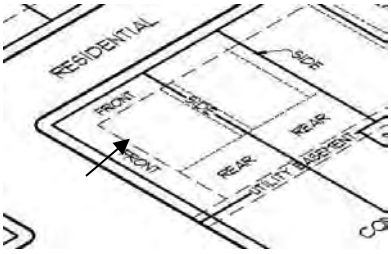
BUILDING HEIGHT shall mean the vertical distance above grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height of the highest point of a gable, hip, or shed roof, measured from the highest adjoining sidewalk or ground surface within a five feet horizontal distance of the exterior wall of the building.



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

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

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



Example of Building Setback Line

C

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

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

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

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

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

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

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

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

CHILD CARE HOME shall mean an operation in the provider's place of residence, which serves at least four, but not more than eight children at any one time from families other than that of the provider. A Family Child Care Home provider may be approved to serve no more than two additional school-age children during non-school hours. In addition to these regulations, Child Care Homes shall meet all requirements of the State of Nebraska.

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

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

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

CITY COUNCIL shall mean the Genoa City Council.

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

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

CLEAR VIEW ZONE See Sight Triangle.

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

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

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

COMMISSION shall mean the Genoa Planning Commission.

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

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

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

COMPATIBLE USE shall mean a land use that is suitable with, tolerant of, and has no adverse effects on existing neighboring uses. Incompatibility may be caused by pedestrian or vehicular traffic generation, volume of goods handled, and environmental elements such as noise, dust, odor, air pollution, glare, lighting, debris generated, contamination of surface or ground water, aesthetics, vibration, electrical interference, and radiation.

COMPREHENSIVE PLAN shall mean the Comprehensive Development Plan of Genoa, Nebraska as adopted by the City Council, setting forth policies for the present and foreseeable future community welfare as a whole and meeting the purposes and requirements set forth in the Neb. Rev. Stat. §19-903 (R.R.S.1997).

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

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

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

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

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

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

CONSERVATION EASEMENT shall mean an easement granting a right or interest in real property that is appropriate to retaining land or water areas predominantly in their natural, scenic, open, or wooded condition and retaining such areas as suitable habitat for fish, plants, or wildlife, or maintaining existing land uses.

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

Convenience Store

CONTIGUOUS see Abut.

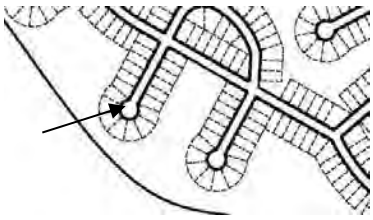
CORPORATE LIMITS shall mean all land, structures and open space that has been annexed into the City's jurisdiction. This does not include the extraterritorial jurisdiction of the City.

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

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

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

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



Cul-de-sac

CURVE LOT see Lot, Curve.

D

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

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

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

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

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

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

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

DEVELOPMENT CONCEPT PLAN see Site Plan.

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

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

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

DOMESTIC ANIMALS see Household Pet.

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

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

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

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

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

DUPLEX see Dwelling, Two Family.

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

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

DWELLING, MOBILE HOME shall mean any prefabricated structure, composed of one or more parts, used for living and sleeping purposes, shipped or moved in essentially a complete condition and mounted on wheels, skids or rollers, jacks blocks, horses, skirting or a permanent or temporary foundation or any prefabricated structure which has been or reasonably can be equipped with wheels or other devices for transporting the

structure from place to place, whether by motive power or other means. The term mobile home shall include trailer home and camp car, but the definition shall not apply to any vehicle lawfully operated upon fixed rails.

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

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

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

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

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

a) The home shall have no less than 800 square feet of floor area, above grade, for single story construction;
b) The home shall have no less than a 18 feet exterior width;
c) The roof shall be pitched with a minimum vertical rise of two and one-half inches for each 12 inches of horizontal run;
d) The exterior material shall be of a color, material and scale comparable with existing site-built, single family residences;
e) The home shall have a non-reflective roof material that is or simulates asphalt or wood shingles, tile, or rock;
f) The home shall be placed on a continuous permanent foundation and have wheels, axles, transporting lights, and removable towing apparatus removed, and
g) The home shall meet and maintain the same standards that are uniformly applied to all single-family dwellings in the zoning district.
h) The home shall have a permanent foundation, to be constructed from either poured concrete or laid masonry block or brick on a footing to be placed a minimum of 42 inches below the final ground level.

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

Example of Single-Family Attached

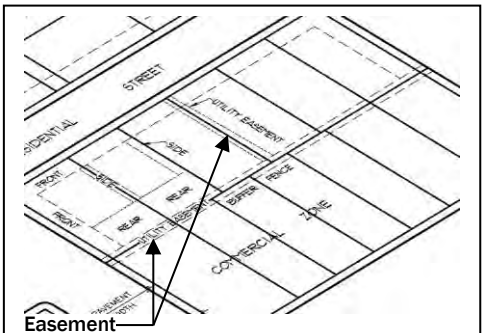
DWELLING, TOWNHOUSE shall mean a one-family dwelling in a row of at least two such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical wall(s).

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

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

E

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



Example of an Easement

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

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

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

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

ERECTED shall mean constructed upon or moved onto a site.

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

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

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

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

F

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

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

FAMILY shall mean one or more persons occupying a single dwelling unit, provided, that all members are related by blood, marriage, or adoption, and living as a single housekeeping unit. A family may include, in

addition, not more than three people who are unrelated, but provided further domestic servants employed on the premises may be housed on the premises without being counted as a family or families.

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

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

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

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

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

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

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

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

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

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

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

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

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

FLOODWAY shall mean the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

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

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

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

Freestanding Canopy

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

G

GARAGE, PRIVATE shall mean a detached accessory building up to and including 1,000 s.f., including carports, on the same lot as a dwelling, used to house vehicles of the occupants of the dwelling.

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

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

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

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

GRADE shall mean the average of the finished ground level at the center of all walls of a building. In the case of walls that are parallel to and within five feet of a sidewalk, the ground level shall be measured at the sidewalk.

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

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

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

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

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

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

GROUP HOME FOR THE HANDICAPPED shall mean a dwelling with resident staff shared by four or more handicapped persons who live together as a single housekeeping unit and in a long term, family-like environment in which staff persons provide care, education, and participation in community activities for the

residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential. As used herein, the term "handicapped" shall mean having: (1) A physical or mental impairment that substantially limits one or more of such person's major life activities so that such person is incapable of living independently; or (2) A record of having such an impairment.

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

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

H

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

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

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

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

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

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

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

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

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

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

I

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

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

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

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

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

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

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

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

J

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

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

K

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

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

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

L

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

LANDFILL shall mean a disposal site employing a method of disposing solid wastes in a manner that minimizes environmental hazards in accordance with state and federal requirements.

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

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

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

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

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

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

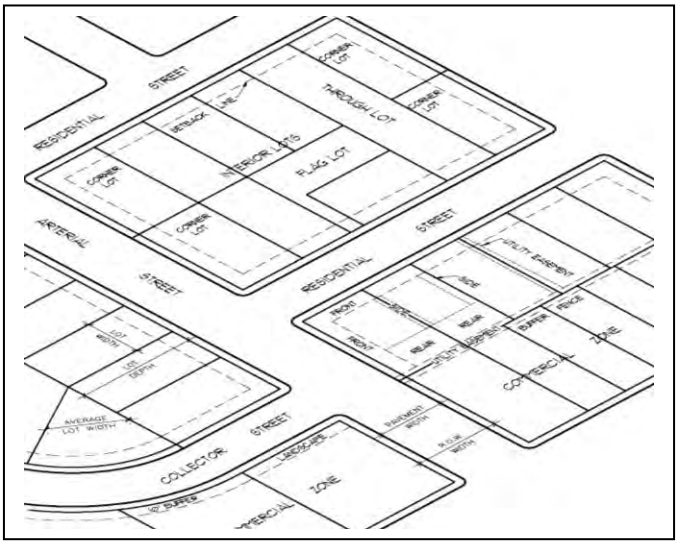
LOT shall mean a parcel or tract of land which is or may be occupied by a use herein permitted, together with yards, and other open spaces herein required, that has frontage upon an improved street, and is a part of a recorded subdivision plat or has been recorded prior to the adoption of the Regulation,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

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

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

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

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



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

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

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

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

LOT LINE shall mean the property line bounding a lot.

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

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

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

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

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

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

M

MANUFACTURED HOME see Dwelling, Manufactured Home.

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

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

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

MASSAGE PARLOR shall mean an establishment other than a regularly licensed and established hospital or dispensary where non-medical manipulative exercises or devices are practiced upon the human body manually or otherwise by any person other than a licensed physician, surgeon, dentist, occupational or physical therapist, chiropractor or osteopath with or without the use of therapeutic, electrical, mechanical, or bathing devices. Also, see Adult Uses.

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

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

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

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

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

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

MOBILE HOME see Dwelling, Mobile Home.

MOBILE HOME PARK see Manufactured or Mobile Home Park.

MOBILE HOME SUBDIVISION see Manufactured or Mobile Home Subdivision.

MOTEL see Hotel.

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

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

N

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

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

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

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

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

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

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

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

O

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

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

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

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

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

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

OUTDOOR ADVERTISING see Advertising Structure and Sign.

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

OWNER shall mean one or more persons, including corporations, who have title to the property, building or structure in question.

P

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Q

R

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

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

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

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

RECREATIONAL VEHICLE (RV) shall mean a vehicular unit less than 40 feet in overall length, eight feet in width, or 12 feet in overall height, primarily designed as a temporary living quarters for recreational camping or travel use having either its own power or designed to be mounted on or drawn by a motor vehicle. Recreational vehicle includes motor home, truck camper, travel trailer, camping trailer, and fifth wheel.

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

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

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

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

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

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

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

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

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

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

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

Restaurant, Fast Food

RETAIL SALES shall mean establishments engaged in selling of goods or merchandise to the general public for personal or household consumption.

RETAIL TRADE shall mean selling merchandise for personal or household consumption and rendering services incidental to the sale of goods. Businesses engaged in retail trade sell merchandise to the general public or to households for personal consumption.

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

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

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

RIGHT-OF-WAY shall mean an area or strip of land, either public or private, on which an irrevocable right of passage has been dedicated, recorded, or otherwise legally established for the use of vehicles or pedestrians or both.

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

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

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

S

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

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

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

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

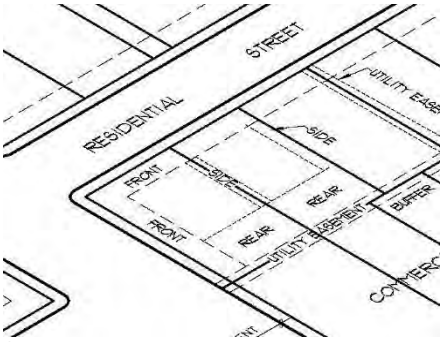
SELF-SERVICE STATION shall mean an establishment where motor fuels are stored and dispensed into the fuel tanks of motor vehicles by persons other than the service station attendant and may include facilities available for the sale of other retail products.

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

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

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

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



Setback Lines

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

SETBACK LINE, FRONT YARD see Yard, Front

SETBACK LINE, REAR YARD see Yard, Rear

SETBACK LINE, SIDE YARD see Yard, Side

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

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

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

SIGN shall mean and include any outdoor sign, display, declaration, device, figure, drawing, illustration, message, placard, poster, billboard, insignia, or other things which are designed, intended, or used for direction, information, identification, or to advertise, to inform, or to promote any business, product activity, service, or any interest, except the following:

1. Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations;
2. Flags and insignia of any government except when displayed in connection with commercial promotion;
3. Legal notices: Identification, informational, or directional signs erected or required by governmental bodies;
4. Integral decorative or architectural features of buildings, except letter, service marks, trademarks, moving parts, or moving lights;
5. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

SIGN, ADVERTISING shall mean a sign which directs attention to any product, activity, or service; provided, however, that such sign shall not be related or make reference to the primary use, business activity, or service conducted on the premises.

SIGN, ANIMATED shall mean any sign that uses movement or change of lighting to depict action or create a special effect or scene.

SIGN, ANNOUNCEMENT shall mean a small sign, not over six square feet in area, except that an announcement sign or bulletin board not over 18 square feet in area, set back at least 20 feet from any highway, street, road, or roadway easement may be erected in connection with any of the permitted principal uses of a nonresidential nature.

SIGN, ARCHITECTURAL CANOPY shall mean an enclosed, illuminated or non-illuminated structure that is attached to the wall of a building with the face of the sign approximately parallel to the wall and with the sign's area integrated into its surface.

SIGN AREA shall mean the entire area including the background of a sign on which copy can be placed but not including the minimal supporting framework or bracing. The area of individually painted letter signs, individual letter signs or directly or indirectly illuminated individual letter signs, shall be calculated on the basis of the smallest geometric figure that will enclose the entire copy area of the sign. Any such calculation shall include the areas between the letters and lines, as well as the areas of any devices, illuminated or non-illuminated.

SIGN, AWNING OR CANOPY shall mean any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

SIGN, BANNER shall mean any sign of lightweight fabric or similar material that is permanently mounted to a pole or building by a permanent frame at one or more edges. National flags, state or municipal flags, or official flag of any institution or business shall not be considered banners.

SIGN, BILLBOARD shall mean a sign that identifies or communicates a commercial or noncommercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.

SIGN, BUILDING shall mean any sign supported by, painted on or otherwise attached to any building or structure.

SIGN, BUILDING MARKER shall mean any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

SIGN, CHANGEABLE COPY shall mean a sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without, altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for purposes of this ordinance. A sign on which the only copy changes is an electronic

or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of this ordinance.

SIGN, CLOSED shall mean a sign in which more than 50 percent of the entire area is solid or tightly closed or covered.

SIGN, COMMERCIAL MESSAGE shall mean any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

SIGN, COMMUNITY OR CIVIC shall mean a sign containing business logos and/or logos of civic organizations. The sign is intended to provide space for several businesses and/or organizations on one sign, and all advertising is similar in size. The primary intent of the community or civic sign is for informational purposes and to communicate information to the motoring public as to businesses and organizations that are active in the community. Community or civic signs are owned and operated by the local chamber of commerce or other civic organization or non-profit entity.

SIGN, DESTINATION shall mean a sign used to inform and direct the public to important public places and buildings, landmarks, and historical sites in the most simple, direct, and concise manner possible.

SIGN, ELECTRONIC MESSAGE BOARD shall mean a sign that uses changing lights to form a sign message or messages wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes.

SIGN, FLASHING shall mean a sign, which, by method or manner of illumination, flashes on or off, winks, or blinks with varying light intensity, shows motion, or creates the illusion of being on or off.

SIGN, FREESTANDING shall mean any sign supported by uprights or braces placed on or in the ground, which is used principally for advertising or identification purposes and is not supported by any building.

SIGN, GROUND shall mean a sign mounted directly to the ground with a maximum height not to exceed six feet.

SIGN, ILLUMINATED shall mean a sign illuminated in any manner by an artificial light source.

SIGN, INCIDENTAL shall mean a sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.

Animated Sign

Announcement Sign

Awning Sign

Banner/Flag Sign

Banner Sign (Commercial)

Building Marker Sign

Canopy Sign

Changeable Copy Sign

Commemorative Sign

Construction Sign

Double-faced Sign

Electronic Message Sign

Freestanding Sign

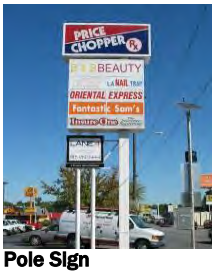
Gas Station Price Sign

Ground Monument Sign

Off-Premises Sign

Painted Wall Sign

Parapet Sign



Pole Sign

Political Sign

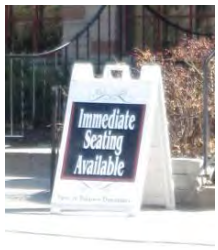
Projecting Sign

Public/Traffic Information Sign

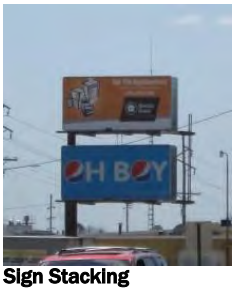
Real Estate Sign

Roof Sign

Roof (integrated) Sign



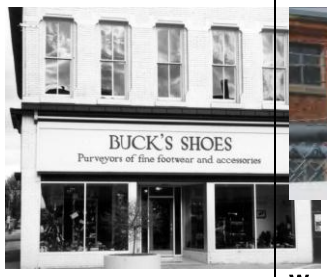
Sandwich Board Sign



Sign Stacking

Subdivision Identification Sign

Suspended Sign



Wall Sign

Warning Sign

Window Sign

SIGN, MARQUEE shall mean any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

SIGN, NAMEPLATE shall mean a sign not exceeding 2 square feet for each dwelling.

SIGN, NON-CONFORMING shall mean any sign that does not conform to the requirements of this ordinance.

SIGN, OBSOLETE shall mean a sign that advertises a business no longer in existence or a product no longer offered for sale and has advertised such business or product for a period of six months after the termination of the existence of such business or the termination of sale of the product advertised.

SIGN, OFF-PREMISES shall mean a sign including the supporting sign structure which directs the attention of the general public to a business, service, or activity not usually conducted, or a product not offered or sold, upon the premises where such sign is located.

SIGN, ON-PREMISE shall mean a sign, display, or device-advertising activities conducted on the property on which such sign is located.

SIGN, OPEN shall mean a sign attached to or hung from a marquee, canopy, or other covered structure, projecting from and supported by the building and extending beyond the building wall, building line, or street lot line.

SIGN, PENNANT shall mean any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

SIGN, POLE shall mean a sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is six feet or more above grade.

SIGN, PORTABLE shall mean a sign, usually of a temporary nature, not securely anchored to the ground or to a building or structure and which obtains some or all of its structural stability with respect to wind or other normally applied forces by means of its geometry or character. Examples are: menu and sandwich board signs, balloons used as signs, umbrellas used for advertising, and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

SIGN, PROJECTING shall mean a projecting sign attached to a building in such a manner that its leading edge extends more than eight inches beyond the surface of such building or wall.

SIGN, REAL ESTATE shall mean a temporary sign that identifies property or properties that are for sale or lease.

SIGN, ROOF shall mean a sign identifying the name of a business, enterprise, or the product sold on the premises and erected on and over the roof of a building and extending vertically above the highest portion of the roof.

SIGN, ROOF (INTEGRAL) shall mean any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.

SIGN, SETBACK shall mean the horizontal distance from the property line to the nearest projection of the existing or proposed sign.

SIGN, SUBDIVISION identification shall mean a sign erected on a subdivision identification lot that identifies the platted subdivision where the sign is located.

SIGN, SURFACE shall mean the entire area of a sign.

SIGN, SUSPENDED shall mean a sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

SIGN, TEMPORARY shall mean a sign constructed of cloth, fabric, or other material with or without a structural frame intended for a limited period of display, including displays for holidays or public demonstrations. Temporary signs shall include portable signs as defined in this section.

SIGN, WALL shall mean any sign attached parallel to, but within eight inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

SIGN, WINDOW shall mean any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

T

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

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

TAVERN see Bar.

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

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

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

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

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

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

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

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

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

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

U

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

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

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

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

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

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

USE, PERMITTED shall mean any land use allowed as a use by right within a zoning district.

USE, NONCONFORMING shall mean a use that was valid and legal when brought into existence, but by subsequent regulation becomes no longer conforming.

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

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

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

UTILITY EASEMENT see Easement

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

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

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

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

V

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

VEGETATION shall mean trees, shrubs, and vines.

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

VEHICLE, MOTOR see Motor Vehicle.

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

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

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

W

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

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

WASTEWATER LAGOON see Lagoon.

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

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

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

WETLAND, SALINE shall mean an area that is saturated by salty soils and water at a frequency and duration sufficient to support, and that, under normal circumstances, does support a prevalence of salt-tolerant vegetation typically adapted for life in saturated soiled conditions, commonly known as hydrophytic vegetation.

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

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

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

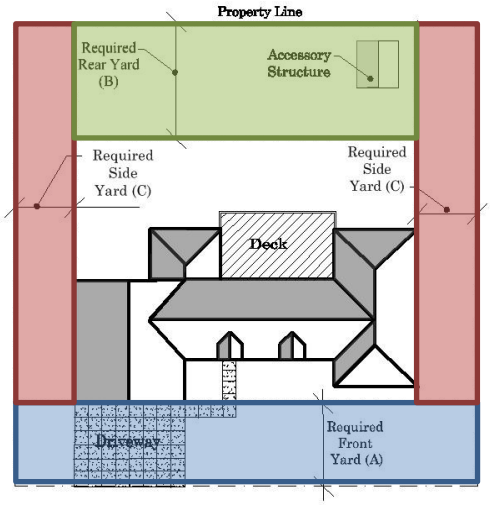
Y

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

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

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

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



Example of different Yard Requirements

Z

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

ZONING DISTRICT see District

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

ARTICLE 3: DISTRICTS AND OFFICIAL MAP

Section 3.01 Districts

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

Section 3.02 Provision for Official Zoning Map

3.02.01 The City is hereby divided into districts, as shown on the Official Zoning Map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance. The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and bearing the seal of the City under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 3.02 of Ordinance No. (___) of the City of Genoa, Nebraska", together with the date of the adoption of this Ordinance. If, in accordance with the provisions of this Ordinance, changes are made in the district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the City Council.

3.02.02 In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the City Council may by resolution adopt a new Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk and bearing the seal of the City under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (Ordinance No. (_____)) of the City of Genoa Nebraska." Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

ARTICLE 4: GENERAL PROVISIONS

Section 4.01 Planning Commission Recommendations

Pursuant to Neb. Rev. Stat. §19-901 (R.R.S.1996), it shall be the purpose of the Planning Commission to hold public hearings upon, and make recommendation to the legislative body, regarding proposed amendments to the comprehensive plan and zoning regulations within the jurisdiction of the City.

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

Section 4.02 District Regulations, Restrictions, Boundary Creation

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

Section 4.03 Jurisdiction

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

Section 4.04 Provisions of Ordinance Declared to be Minimum Requirements

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

Section 4.05 Zoning Affects Every Building and Use

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

Section 4.06 Lot

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

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

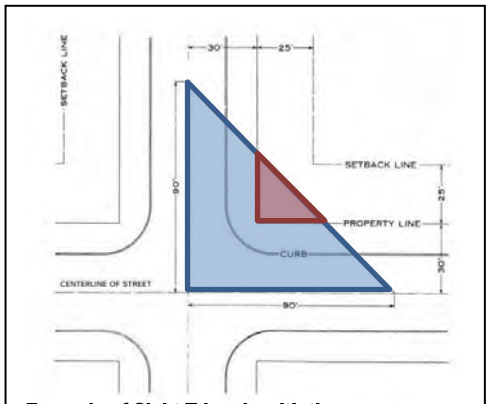
1. Institutional buildings
2. Public or semi-public buildings
3. Multiple-family dwellings
4. Commercial or industrial buildings
5. Home for the aged
6. Agricultural buildings
7. Planned Unit Developments

Section 4.07 Reductions in Lot Area Prohibited

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

Section 4.08 Obstructions to Vision at Street Intersections Prohibited

On a corner lot, within the area formed by the center line of streets at a distance of 90 feet from their intersections, there shall be no obstruction to vision between a height of two and one-half feet and a height of 10 feet above the grades of the bottom of the curb of the intersecting streets, measured from the point of intersection of the centerline of the streets. At the intersection of major or arterial streets, the 90 foot distance shall be increased to 120 feet for each arterial leg of the intersection. The requirements of this section shall not be deemed to prohibit any necessary retaining wall. See "Sight Triangle," as defined in Article 2 of this Ordinance.



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

Section 4.09 Yard Requirements

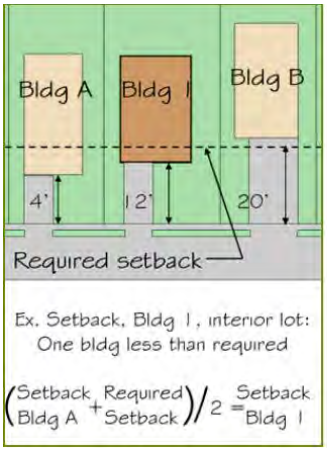
4.09.01 Yard requirements shall be set forth under the Schedule of Lot, Yard, and Bulk Requirements for each zoning district. Front, side and rear yards shall be provided in accordance with the regulations hereinafter indicated and shall be unobstructed from the ground level to the sky, except as herein permitted.

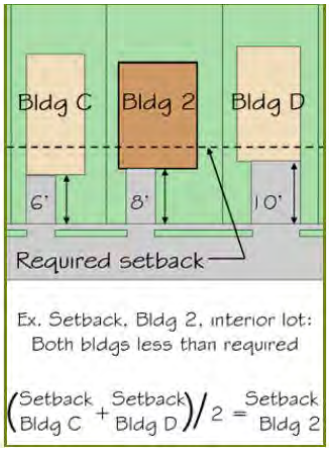
4.09.02 No part of a yard, or other open space, or off-street parking or loading space, required in connection with any building for the purpose of complying with this regulation, shall be included as part of a yard, open space, or off-street parking or loading space required for another building and or lot.

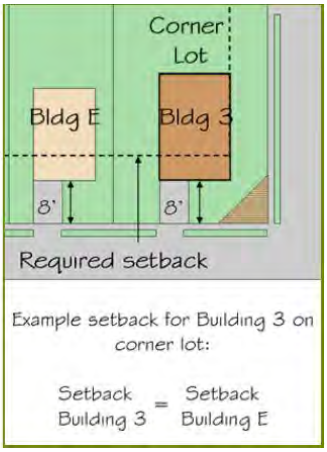
4.09.03 No yard or lot existing at the time of passage of this regulation shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this regulation shall meet the minimum requirements herein.

4.09.04 All accessory buildings when they connected to the principal building (e.g., attached garages) shall comply with the yard requirements of the principal building, unless otherwise specified.

4.09.05 The Zoning Administrator may permit a variation in front yard setbacks to allow new or relocated structures to conform to the average existing setback provided that 1.) More than 40 percent of the frontage on one side of a street between intersecting streets is occupied by structures on the effective date of this Ordinance, and 2.) A minority of such structures have observed or conformed to an average setback line, see illustration for different provisions:







4.09.06 The Zoning Administrator may permit a variation in rear yard setbacks to allow for new or relocated detached garages to conform to the average existing setback provided that 1.) More than 40 percent of the frontage on one side of an alley between intersecting streets is occupied by structures on the effective date of this Ordinance, and 2.) A minority of such structures have observed or conformed to an average setback line. However, in no case shall this be permitted when Section 4.12.08 of this Ordinance applies.

4.09.07 Where 40 percent 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 developed and observed a front yard setback greater than the depth 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 greater than 50 feet.

4.09.08 Any side or rear yard in a residential district which is adjacent to any existing industrial or commercial use shall be no less than 25 feet and shall contain landscaping and planting suitable to provide effective screening.

4.09.09 Any yard for a commercial or industrial use located within any Commercial or Industrial Zoning District, which is adjacent to any residential use, or district shall be increased to 40 feet and shall contain landscaping and planting suitable to provide effective screening; except in the Downtown Commercial District.

Included in the increased yard, a solid or semi-solid fence or wall at least six feet, but not more than eight feet high shall be provided adjacent to an adjoining residential district unless the adjacent residential district and industrial district are separated by a street right-of-way. Said fence shall:

a. be maintain in good condition.
b. Said fencing shall be constructed of commercially available fencing.
c. When said fence exceeds six feet in height it shall be required to be setback from the property line by one foot for every additional foot of height.

Section 4.10 Drainage

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

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

Section 4.11 Permitted Obstructions in Required Yards

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

4.11.01 *All Yards:*

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

4.11.02 *Rear and Side Yards:*

- Open off-street parking spaces
- Outside elements of central air conditioning systems;
- Emergency egress systems for basements on an existing structure.

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

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

Section 4.12 Accessory Building and Uses

4.12.01 No accessory building or structure shall be constructed on a lot that does not have a principal building or structure.

4.12.02 In no event shall an accessory building be used as a dwelling.

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

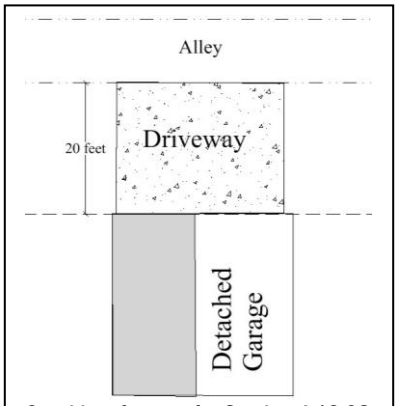
4.12.04 No detached accessory building or structure shall exceed the maximum permitted height allowed in the individual district, unless otherwise provided.

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

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

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

4.12.08 When a detached garage or other outbuilding is built within the required setback for a principal structure, the principal structure and detached building shall remain as separate structures and maintain the required separation distances found in Section 4.12.06 above.



Graphic reference for Section 4.12.08

4.12.09 When a detached garage has access to an alley, the rear yard setback shall be increased to 20 feet for garages directly accessing the alley from the garage and door is parallel to the alley. Otherwise it shall be a minimum of five feet.

4.12.10 Temporary and portable carports may be allowed in designated zoning districts provided the following criteria shall be met:

1. The carport shall be anchored to the ground with a permanent footing.
2. Carport shall not be allowed to have more than two sides covered with a siding material.
3. Siding material shall match the style of the primary structure on the lot.

4.12.11 Detached private garages and outbuildings in the Residential Districts within the corporate limits of Genoa for automobiles and/or storage use and other structures customary and appurtenant to the permitted uses and detached accessory garages shall be constructed of materials customarily used in residential construction (i.e. but limited to wood or steel stud framing, sheathing, and exterior finish).

1. Be constructed of materials that are in good repair,
2. The sidewalls of said building shall not exceed 12 feet in height,
3. Garages shall have an overhang of at least six inches,
4. Garages shall have a maximum width of 36 feet,
5. Garages shall be constructed and finished in materials customary to residential construction.

4.12.09. Regulation of accessory uses shall be as follows:

1. Except as herein provided, no accessory building shall project beyond a required yard line along any street.
2. Service station pumps and pump island may occupy the required yards, provided, however, that they are not less than 15 feet from street lines.
3. Storage of any boat, boat trailer, camp trailer, or other vehicle shall not be permitted in any required yard; except that a boat, boat trailer, camp trailer may be placed on rock or concrete surfacing in a side yard or rear yard.

Section 4.13 Permitted Modifications of Height Regulations

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

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

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

4.13.02 When permitted in a district, public or semi-public service buildings, hospitals, institutions, or schools may be erected to a height not exceeding 75 feet when each required yard line is increased by at least one foot for each one foot of additional building height above the height regulations for the district in which the building is located.

Section 4.14 Occupancy of Basements and Cellars

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

Section 4.15 Nonconforming, General Intent

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

Section 4.16 Nonconforming Lots of Record

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

Section 4.17 Nonconforming Structures

4.17.01 *Authority to continue:* Any structure which is devoted to a use which is permitted in the zoning district in which it is located, but which is located on a lot which does not comply with the applicable lot size requirements and/or the applicable bulk regulations, may be continued, so long as it remains otherwise lawful, subject to the restrictions of this section.

4.17.02 *Enlargement, Repair, Alterations:* Any such structure described in Section 4.17.01 may be enlarged, maintained, repaired or remodeled, provided, however, that no such enlargement, maintenance, repair or remodeling shall either create any additional nonconformity or increase the degree of existing nonconformity of all or any part of such structure, except that as to structures located on a lot that does not comply with the applicable lot size requirements, the side yard requirements shall be in conformance with this section, and unless otherwise permitted by conditional use permit unless otherwise approved or as specified in the Residential District.

4.17.03 *Damage or Destruction:* In the event that any structure described in Section 4.17.01 is damaged or destroyed, by any means other than intentional destruction, to the extent of more than 50 percent of its structural value, such structure shall not be restored unless it shall thereafter conform to the regulations for the zoning district in which it is located; provided that structures located on a lot that does not comply with the applicable lot size requirements in Section 4.16, shall not have a side yard of less than five feet. When a structure is damaged to the extent of less than 50 percent of its structural value, no repairs or restoration shall be made unless a building permit is obtained and restoration is actually begun within one year after the date of such partial destruction and is diligently pursued to completion.

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

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

Section 4.18 Nonconforming Uses

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

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

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

1. No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;
2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance but no such use shall be extended to occupy any land outside such building;
3. If no structural alterations are made, any nonconforming use of a structure or structures and premises may be changed to another nonconforming use provided that the board of adjustment either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the board of adjustment may require appropriate conditions and safeguard in accord with the provisions of this ordinance;
4. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located and the nonconforming use may not thereafter be resumed;
5. When a nonconforming use of a structure or structure and premises in combination is discontinued or abandoned for 12 consecutive months, the structure or structure and premises in combination shall not thereafter be used except in conformance with the regulations of the district in which it is located;
6. Where nonconforming use status is applied to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

Section 4.19 Repairs and Maintenance

4.19.01 On any building devoted in whole or in part to any nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing provided that the cubic content of the building as it existed at the time of passage of amendment of this ordinance shall not be increased.

4.19.02 Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

Section 4.20 Uses under Conditional Use Permit not Nonconforming Uses

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

Section 4.21 Rear Yard Setbacks Reduction

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

Section 4.22 Swimming Pools

1. All in-ground or permanent swimming pools constructed within the zoning jurisdiction of the City of Genoa shall be constructed in compliance with all local, state and federal codes.
2. In addition to the above, the area encompassed by the swimming pool shall have a permanent fence, including locking gate at a height of six feet constructed of opaque material.
3. Drainage of said swimming pool must not be onto adjoining property.
4. There shall be no drainage of said swimming pool into the sanitary sewer system of the City.
5. Drainage may be permitted into the storm sewer provided the chemicals contained in said swimming pool are first diluted.
6. All chemicals for said swimming pool must be stored in a secure area.

Section 4.23: Temporary Permits

The administrator shall issue temporary permits for buildings to be constructed and used for storage incidental to construction of buildings on the property and for signs advertising a subdivision or tract of land or the lots thereon. The permits shall not exceed 180 days in duration.

Section 4.24: Mobile Food Units

Mobile Food Units are allowed in specific zoning districts; however, these uses shall be required to abide by the following requirements:

1. All units shall be located on vacant lots except in the C-1 Downtown Commercial District where on-street parking may be permitted. On-street parking shall only be allowed during times of operation.
2. All units shall only operate during hours identified on the temporary permit. In no case shall a unit be open for more than one hour after the legal closing time of local bars.
3. All refuse shall be transported off-site unless an agreement with the property owner is submitted to the City identifying an alternate.
4. All units shall not be allowed to use intense lights in order to attract customers.
5. During non-operation hours, these units shall be stored on a vacant lot or in an enclosed structure.

Section 4.25: Prohibited Uses

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

Section 4.26: Fees

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

ARTICLE 5: ZONING DISTRICTS

5.01 Districts; Uses
5.02 Districts; Boundaries
5.03 District Boundaries; Interpretation
5.04 Districts; Classification of Districts upon Annexation and Conformance with Land Use Plan
5.05 District (TA-1); Transitional Agricultural District
5.06 District (R-1); Low Density Residential District
5.07 District (R-2); Medium Density Residential District
5.08 District (R-3); High Density Residential District
5.09 District (RM); Mobile Home Residential District
5.10 District (R-4); Lakeside Residential District
5.11 District (C-1); Downtown Commercial District
5.12 District (C-2); General Commercial District
5.13 District (C-3); Highway Commercial District
5.14 District (Flex); Flex District
5.15 District (I-1); Industrial District
5.16 District (PUD); Planned Unit Development
5.17 District (AHR); Airport Height Restriction Overlay District

Section 5.01 Districts: Use

For the purpose of this Chapter, the Municipality is hereby divided into 13 districts, designated as follows:

(TA-1) Transitional Agricultural District
(R-1) Low Density Residential District
(R-2) Medium Density Residential District
(R-3) High Density Residential District
(RM) Mobile Home Residential District
(R-4) Lakeside Residential District
(C-1) Downtown Commercial District
(C-2) General Commercial District
(C-3) Highway Commercial District
(Flex) Flex District
(I-1) Industrial District
(PUD) Planned Unit Development
(AHR) Airport Height Restriction Overlay District

Section 5.02 Districts: Boundaries

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

Section 5.03 Rules for Interpretation of District Boundaries

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

1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
3. Boundaries indicated as approximately following City limits shall be construed as following such City limits;
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
5. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line;
6. Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;

7. Boundaries indicated as parallel to or extensions of features indicated in subsections (1) to (6) above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;
8. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections (1) to (7) above, the Board of Zoning Adjustment shall interpret the district boundaries;
9. Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, The Board of Zoning Adjustment may permit the extension of the regulations for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot.
10. When a district boundary line splits a lot, tract, or parcel that is in sole ownership, the zoning district with the most restrictive requirements may be extended over the entire property without amending the zoning map through the public hearing process.
11. When a lot, tract, or parcel is bisected by the extraterritorial jurisdiction boundary line, the jurisdiction with the greatest portion of the property shall have controlling interest.

Section 5.04 Annexation and Conformance with the Land Use Plan

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

Section 5.05 TA-1: Transitional Agricultural District

5.05.01 *Intent*: The (TA-1) Transitional Agriculture District is to recognize the transition between agricultural uses of land and communities; to encourage the continued use of that land which is suitable for agriculture, but not limit any land uses that may be a detriment to normal community expansion.

5.05.02 *Permitted Uses:*

The following principal uses are permitted in the TA-1 District.

1. Farming, pasturing, truck gardening, and orchards, including the sale of products raised on the premises.
2. The keeping of livestock, provided no that no livestock feed lot or yard operation shall have more than 300 animal units.
3. Single-family dwellings (detached)
4. Public parks and recreation areas, parks and playgrounds and conservation areas including flood control facilities and natural wildlife habitats and preserves.
5. Recreational camps, golf courses, country clubs, tennis courts.
6. Railroads, not including switching, terminal facilities or freight yards.
7. Public overhead and underground local distribution utilities.
8. Churches, temples, seminaries, and convents including residences for teachers and pastors.
9. Public services such as police, fire, and emergency facilities.
10. Hospitals
11. Educational institutions, including public and private primary schools, secondary schools including universities, colleges, vocational schools, and business schools.

5.05.03 *Conditional Uses:*

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

1. Commercial production and husbandry of livestock, poultry, fish and small animals.
2. Commercial auction yards and barns.
3. Feed mills.
4. Commercial greenhouses.
5. Public and private stables and riding clubs, provided:
   a. No structure or building used to house horses or other animals is located closer than 300 feet to any residential use or district.
   b. Minimum lot area of four acres.
6. Private or commercial kennels and facilities for the raising, breeding and boarding of dogs and other small animals, provided:
   a. No structure or building is located closer than 300 feet to any residential use or district.
   b. Minimum lot area of four acres.
7. Agricultural storage facilities for equipment and grain.
8. Mining and extraction of minerals or raw materials and the manufacturing, processing, treating, and the storing of materials or minerals.
9. Radio, television and wireless communication towers and transmitters, pursuant to Section 9.03.
10. Cemeteries provided all structures are located at least 100 feet from all property lines.
11. Water supply and storage facilities, wastewater treatment, sewage disposal, and solid waste disposal facilities.
12. Veterinarians' offices and hospitals
13. Recreational Vehicle Parks
14. Commercial Wind energy systems, pursuant to Section 9.08.
15. Public campgrounds.
16. Storage and distribution of anhydrous ammonia, fuel, fertilizer, and other chemicals.
17. Bed and Breakfast establishments.
18. The keeping of livestock beyond 300 A.U.'s and not exceeding 1,000 A.U.'s.

5.05.04 *Temporary Uses:*

The following temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit

1. Temporary greenhouses.
2. Fireworks stands provided the criteria are met as established by the City through separate Ordinances.
3. Buildings and uses incidental to construction work which shall be removed upon completion or abandonment of the construction work.
4. Portable Storage Containers
5. Temporary structure for festivals or commercial events.
6. Mobile Food Units per Section 4.24

5.05.05 *Accessory Uses and Structures:*

1. Buildings and uses customarily incidental to the permitted and conditional uses.
2. Roadside stands offering the sale of agriculture products produced on the premises.
3. Fences pursuant to Section 9.04
4. Home occupation, pursuant to Section 9.02.
5. Parking pursuant to Article 7.
6. Private swimming pool, tennis court and other similar facilities in conjunction with a residence.
7. Signs pursuant to Article 8.
8. Vending Machines
9. Reverse Vending Machines
10. Decks, gazeboes, elevated patios either attached or detached.
11. Family Child Care Home I
12. Mobile homes and single-family dwelling units on a farm or ranch provided they are used for relatives or farm workers associated with the farm operation.
13. Small wind Energy Systems pursuant to Section 9.07.
14. Solar panels, pursuant to Section 9.11
15. Accessory Dwelling Unit, pursuant to Section 9.14

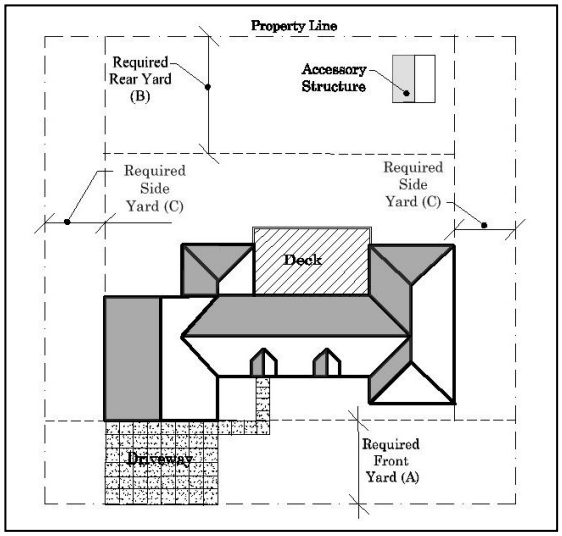
5.05.06 *Height and Lot Requirements:* The height and minimum lot requirements shall be as follows:

Use	Lot Area (acres)	Lot Width (feet)	A Front Yard (feet)	B Rear Yard (feet)	C Side Yard (feet)	Max. Height (feet)	Max. Coverage (%)
Single-family Dwelling with private well and sanitary se	2	150	*	**	***	35	20
Single-family Dwelling, with either public water or sanitary sewer	0.25	150	*	**	***	35	20
Other Permitted Uses	2	150	*	**	***	35	20
Conditional Uses	2	150	*	**	***	35	20
Accessory Buildings	-	-	*	5	5	35	-

* Front yard setback shall be 63 feet from the centerline of a County Road, or shall 30 feet when abutting any other platted street, road or highway.

** Rear yard setback shall be 83 feet from the centerline of a County Road, or shall be 50 feet abutting any other platted street, road of highway or interior property line.

*** Side yard setback shall be 48 feet from the centerline of a County Road, or shall 15 feet when abutting any other platted street, road, or highway or interior property line.



5.05.07 *Other Applicable Provisions:*

1. The following uses shall be located a minimum of 2,640 feet from any adjacent residential, commercial, industrial, or public use, as measured from the nearest point on the lot line.
   a. Commercial auction yards or barns.
   b. Commercial production and husbandry of poultry, fish, and small animals.
   c. Commercial feedlots.
   d. Mining and extraction of natural resources.
   e. Feed mills.
   f. Veterinarians' offices and hospitals, and boarding kennels, applicable only to any structure or building used to house horses or other animals.
   g. Raising and care of animals for 4-H, Future Farmer of America (FFA) or other rural/school organizations.
   h. Kennels, stables, and riding clubs, applicable only to any structure or building used to house horses or other animals.
   i. Auto wrecking yards, junk yards, salvage yards, and scrap processing yards.
   j. Storage and distribution of anhydrous ammonia, fuel, fertilizer, and other chemicals.
2. No new residential, commercial, industrial, or public use shall be located nearer than 3,960 feet to any existing use listed in Section 5.05.07 (1)

Section 5.06 R-1 Low Density Residential District

5.06.01 *Intent:* The (R-1) Low Density Residential District is intended to provide for larger lot residential and compatible uses while maintaining reserve land for planned expansion of intense urban development; to facilitate planned extension of municipal services; and to permit residential use of land where, unstable land, or other natural land features, intensive development is not in the best public interest.

5.06.02 *Permitted Uses:*

The following principal uses are permitted in the R-1 District.

1. Single family detached dwellings.
2. Public and private schools.
3. Churches, temples, seminaries, convents, including residences for teachers and pastors.
4. Publicly owned and operated services such as: Community Centers, Libraries, Auditoriums, or Museums.
5. Public and private parks, playgrounds or playfields and recreation areas as, country clubs, golf courses (except miniature golf courses and driving ranges), lakes, common areas and swimming pools.
6. Nursing homes and retirement homes including convalescent homes.
7. Agricultural uses limited to the raising of crops.

5.06.03 *Conditional Uses:*

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

1. Two-family dwellings.
2. Child Care Center and Child Care Home.
3. Hospitals, clinics, provided the following and/or other conditions and standards are met:
   a. Building shall not occupy more than 40% of the total lot area,
   b. Building setbacks from all yards shall not be less than one foot per foot of building height.
5. Public utility main transmission lines including substations, distribution centers, regulator stations, pumping stations, treatment facilities, storage, equipment buildings, garages, towers, or similar public service uses.
6. Bed and Breakfast establishments.
7. Boarding houses and dormitories.
8. The keeping of livestock, provided no that no livestock feed lot or yard operation shall have more than 300 animal units.

5.06.04 *Temporary Uses:*

The following temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit

1. Temporary greenhouses.
2. Buildings and uses incidental to construction work which shall be removed upon completion or abandonment of the construction work.
3. Portable Storage Containers
4. Temporary structure for festivals or commercial events.

5.06.05 *Accessory Uses and Structures:*

1. Buildings and uses customarily incidental to the permitted and conditional uses.
2. Fences pursuant to Section 9.04.
3. Home occupation, pursuant to Section 9.01.
4. Parking pursuant to Article 7.
5. Private swimming pool, tennis court and other similar facilities in conjunction with a residence.
6. Signs pursuant to Article 8.
7. Decks, gazeboes, elevated patios either attached or detached.
8. Family Child Care Home I
9. Solar panels, pursuant to Section 9.11
10. Small wind Energy Systems pursuant to Section 9.07.
11. Accessory Dwelling Unit, pursuant to Section 9.14

5.06.06 *Height and Lot Requirements:* The height and minimum lot requirements shall be as follows:

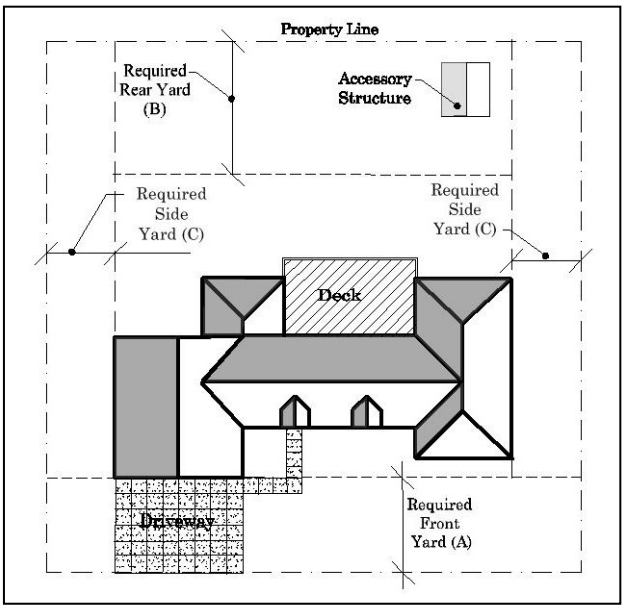
Use	Lot Area (acres)	Lot Width (feet)	A Front Yard (feet)	B Rear Yard (feet)	C Side Yard (feet)	Max. Height (feet)	Max. Coverage (%)
Single-family Dwelling with private water and sanitary sewer	2	150	*	**	***	35	30
Single-family Dwelling with either public water and sanitary sewer	0.25	150	*	**	***	35	30
Other Permitted Uses	2	150	*	**	***	35	30
Conditional Uses	2	150	*	**	***	35	30
Accessory Buildings	-	-	*	5****	***	35	-

* Front yard setback shall be 53 feet from the centerline of a County Road, or shall 20 feet when abutting any other platted street, road of highway.

** Rear yard setback shall be 58 feet from the centerline of a County Road, or shall be 25 feet abutting any other platted street, road of highway or interior property line.

*** Side yard setback shall be 43 feet from the centerline of a County Road, or shall 10 feet when abutting any other platted street, road, or highway or interior property line.

**** See Section 4.12.09.



Section 5.07 R-2 Medium Density Residential District

5.07.01 *Intent:* The (R-2) Medium Density Residential District is intended to permit an increased density of residential development to include two-family units, as well as other compatible uses.

5.07.02 *Permitted Uses:*

The following principal uses are permitted in the R-2 District.

1. Single family detached dwellings.
2. Single-family attached dwellings
3. Two-family dwellings
4. Public and private schools.
5. Churches, temples, seminaries, convents, including residences for teachers and pastors.
6. Public and private parks, playgrounds or playfields
7. Nursing homes and retirement homes including convalescent homes.
8. Publicly owned and operated services such as: Community Centers, Libraries, Auditoriums, or Museums.

5.07.03 *Conditional Uses:*

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

1. Condominiums
2. Multi-family dwellings including apartment buildings.
3. Lodging and boarding houses.
4. Public utility main transmission lines including substations, distribution centers, regulator stations, pumping, treatment facilities, storage, equipment buildings, garages, towers, or similar public service uses.
5. Hospitals and clinics, provided the following and/or other conditions and standards are met:
   a. Building shall not occupy more than 40% of the total lot area,
   b. Building setbacks from all yards shall not be less than one foot per foot of building height.
6. Child Care Center and Child Care Home.
7. Bed and Breakfast establishments.
8. Group care homes.
9. Public and private country clubs, and golf courses, but not including commercial miniature golf, golf driving ranges, motorized cart tracts, and similar uses not on less than 10 acres.
10. Commercial recreational areas and facilities such as swimming pools.
11. Elderly Day Care Centers.
12. Accessory buildings for personal use without a principal structure/use on the property.

5.07.04 *Temporary Uses:*

The following temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit

1. Temporary greenhouses.
2. Buildings and uses incidental to construction work which shall be removed upon completion or abandonment of the construction work.
3. Portable Storage Containers.
4. Temporary structure for festivals or commercial events.

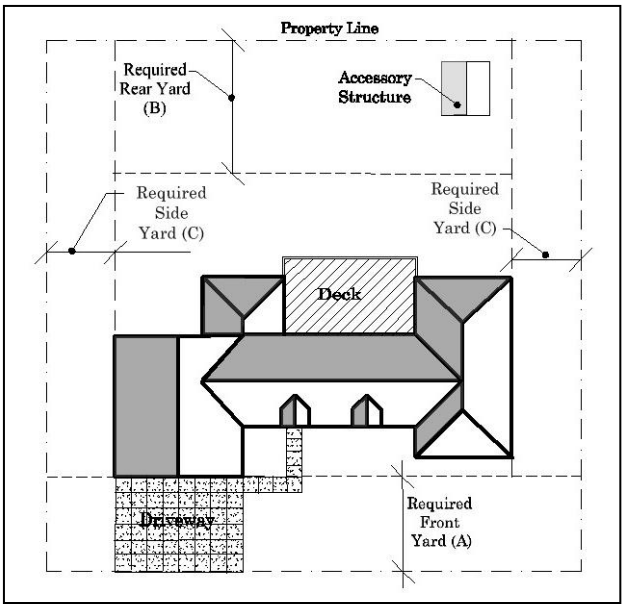
5.07.05 *Accessory Uses and Structures:*

1. Buildings and uses customarily incidental to the permitted and conditional uses.
2. Fences pursuant to Section 9.04
3. Home occupation, pursuant to Section 9.01.
4. Parking pursuant to Article 7.
5. Private swimming pool, tennis court and other similar facilities in conjunction with a residence.
6. Signs pursuant to Article 8.
7. Decks, gazeboes, elevated patios either attached or detached.
8. Family Child Care Home I
9. Solar panels, pursuant to Section 9.11
10. Small wind Energy Systems pursuant to Section 9.07.
11. Accessory Dwelling Unit, pursuant to Section 9.14

5.07.06 *Height and Lot Requirements:* The height and minimum lot requirements shall be follows:

Use	Lot Area (sq. ft.)	Lot Width (feet)	A Front Yard (feet)	B Rear Yard (feet)	C Side Yard (feet)	Max. Height (feet)	Max. Coverage (%)
Single-family, detached	8,400	60***	25	30*****	4	35	40
Single-family, attached (2 units only)	4,500 per unit	60 per unit	25	30*****	4*	35	40 per unit
Two-family Dwelling	4,500 per unit	120	25	30*****	4	35	40
Condominiums and Townhouses (more than 2 units)	3,000 per unit	18 per unit****	25	30*****	4*	35	40
Multi-family Dwelling	Per Unit						
1-Story	4,000	100	25	30	4	45	40
2-Story	2,500	100	25	30	10	45	35
3-Story	1,500	100	25	30	20	45	30
Other Permitted Uses and Conditional Uses	7,000	60***	25	30	4	45	40
Accessory Buildings	-	-	25	5**	4	-	20

* Common wall shall have a zero lot line setback and shall be located on the property line separating both dwellings.
** See Section 4.12.09
*** Minimum Lot Width shall be 60 feet for an interior lot; 75 feet for a corner lot; or 45 feet when facing a cul-de-sac or curve.
**** The units on each end shall have a minimum lot width of 50 feet.
***** See Section 4.21



Section 5.08 R-3 High Density Residential District

5.08.01 *Intent:* The (R-3) High Density Residential District is intended to provide for a high density permit an increased density of residential development to include two-family units, as well as other compatible uses.

5.08.02 *Permitted Uses:*

The following principal uses are permitted in the R-3 District.

1. Single family dwellings.
2. Single-family attached.
3. Two-family dwellings.
4. Public and private schools
5. Churches, temples, seminaries, and convents including residences for teachers and pastors.
6. Publicly owned and operated parks, playgrounds, fire stations, community centers, and libraries
7. Public facilities.
8. Multi-family dwelling units including apartment buildings.
9. Lodging and boarding houses.
10. Condominiums.
11. Nursing homes and retirement homes including convalescent homes.

5.08.03 *Conditional Uses:*

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

1. Public utility main transmission lines including substations, distribution centers, regulator stations, pumping, treatment facilities, storage, equipment buildings, garages, towers, or similar public service uses.
2. Child Care Center and Child Care Home.
3. Bed and Breakfast establishments.
4. Funeral homes and mortuaries.
5. Hospitals and clinics, provided the following and/or other conditions and standards are met:
   a. Building shall not occupy more than 40% of the total lot area,
   b. Building setbacks from all yards shall not be less than one foot per foot of building height.
8. Public and private country clubs, and golf courses, but not including commercial miniature golf, golf driving ranges, motorized cart tracts, and similar uses not on less than 10 acres.
9. Commercial recreational areas and facilities such as swimming pools.
10. Elderly Day Care Centers.
11. Accessory buildings for personal use without a principal structure/use on the property.

5.08.04 *Temporary Uses:*

The following temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit

1. Temporary greenhouses.
2. Buildings and uses incidental to construction work which shall be removed upon completion or abandonment of the construction work.
3. Temporary structure for festivals or commercial events.
4. Portable Storage Containers.

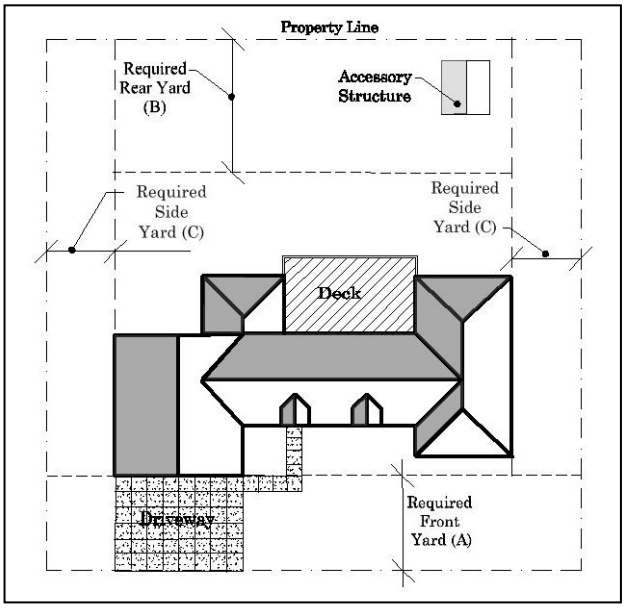
5.08.05 *Accessory Uses and Structures:*

1. Buildings and uses customarily incidental to the permitted and conditional uses.
2. Fences pursuant to Section 9.04.
3. Home occupation, pursuant to Section 9.01.
4. Parking pursuant to Article 7.
5. Private swimming pool, tennis court and other similar facilities in conjunction with a residence.
6. Signs pursuant to Article 8.
7. Decks, gazeboes, elevated patios either attached or detached.
8. Family Child Care Home I
9. Solar panels, pursuant to Section 9.11
10. Small wind Energy Systems pursuant to Section 9.07.
11. Accessory Dwelling Unit, pursuant to Section 9.14

5.08.06 *Height and Lot Requirements:* The height and minimum lot requirements shall be follows:

Use	Lot Area (sq. ft.)	Lot Width (feet)	Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)	Max. Height (feet)	Max. Coverage (%)
Single-family, detached	6,000	60	25	30*****	4	35	50
Single-family, attached (2 units only)	2,500 per unit	50 per unit	25	30*****	4*	35	50 per unit
Two-family Dwelling	2,500 per unit	100	25	30*****	4*	35	50
Condominiums and Townhouses (more than 2 units	2,500 per unit	18 per unit***	25	30*****	4*	35	50
Multi-family Dwelling	Per Unit						
1-Story	3,000	100	25	30	4*	45	50
2-Story	2,500	100	30	30	10	45	45
3-Story	1,500	100	35	30	15	45	40
Other Permitted Uses and Conditional Uses	4,500	50	25	30	4*	45	50
Accessory Buildings	-	-	25	5**	4	-	20

* Common wall shall have a zero lot line setback and shall be located on the property line separating both dwellings.
** See Section 4.12.09
*** Minimum Lot Width shall be 60 feet for an interior lot; 75 feet for a corner lot; or 45 feet when facing a cul-de-sac or curve.
**** The units on each end shall have a minimum lot width of 50 feet.
***** See Section 4.21



Section 5.09 RM Mobile Home Residential District

5.09.01 *Intent:* The (RM) Residential Mobile Home District is intended to provide for mobile home developments on leased or owned property in areas where a mobile home park or subdivision is appropriate, and where such development is recognized as being in the best interests of the City. The RM District is a floating zone district. Although the specific conditions within this district are predetermined, the location of a proposed district must be carefully reviewed to assure that the following conditions are met.

5.09.02 *Permitted Uses:*

The following principal uses are permitted in the RM District.

1. Single family dwellings.
2. Single-family attached
3. Two-family dwellings
4. Mobile home dwellings within a mobile home park or subdivision.
5. Public parks, playgrounds and recreational facilities.
6. Churches, temples, seminaries, and convents including residences for teachers and pastors.

5.09.03 *Conditional Uses:*

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

1. Multi-family dwellings including apartment buildings
2. Child Care Centers.
3. Elderly Day Care Centers.
4. Public utility main transmission lines including substations, distributions centers, regulator stations, pumping, treatment facilities, storage, equipment buildings, garages, towers, or similar public service uses.
5. Accessory buildings for personal use without a principal structure/use on the property.

5.09.04 *Temporary Uses:*

The following temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit

1. Temporary greenhouses.
2. Buildings and uses incidental to construction work which shall be removed upon completion or abandonment of the construction work.
3. Temporary structure for festivals or commercial events.
4. Portable Storage Containers.

5.09.05 *Accessory Uses and Structures:*

1. Buildings and uses customarily incidental to the permitted and conditional uses.
2. Fences pursuant to Section 9.04.
3. Home occupation, pursuant to Section 9.01.
4. Parking pursuant to Article 7.
5. Private swimming pool, tennis court and other similar facilities in conjunction with a residence.
6. Signs pursuant to Article 8.
7. Decks, gazeboes, elevated patios either attached or detached.
8. Family Child Care Home I
9. Small wind Energy Systems pursuant to Section 9.07.
10. Solar panels, pursuant to Section 9.11
11. Accessory Dwelling Unit, pursuant to Section 9.14

5.09.06 *Lot and Height Requirements:*

1. A mobile home development shall have a lot area of not less than five acres. No mobile homes or other structures shall be located less than 65 feet from the road centerline when contiguous to or having frontage to a County Road or 25 feet when contiguous from a State Highway. The setback on all other court property lines shall be 10 feet. These areas shall be landscaped. The minimum lot depth in a mobile home court shall be 200 feet.
2. Each lot provided for occupancy of a single mobile home dwelling shall have an area of not less than 4,000 square feet, excluding road right-of-way, and a width of not less than 40 feet. Each individual lot shall have:

a. Side yard setback shall not be less than five feet, except that on corner lots, the setback for all buildings shall be a minimum of 25 feet on the side abutting a street/road.
b. Front yard setback shall not be less than 25 feet.
c. Rear yard of not less than 25 feet.

3. There shall be a minimum livable floor area of 500 square feet in each mobile home.
4. Height of buildings shall be:
   a. Maximum height for principal uses shall be 35 feet.
   b. Maximum height for accessory uses shall be 10 feet.
5. Each lot shall have access to a hard surfaced drive not less than 24 feet in width, excluding parking.
6. Community water and community sewage disposal facilities shall be provided with connections to each lot, in accordance with design standards for the City. The water supply shall be sufficient for domestic use and for fire protection.
7. Service buildings including adequate laundry and drying facilities. Common toilet facilities for mobile homes which do not have these facilities within each unit may be provided.
8. Storm shelters shall be required and shall meet the following criteria:
   a. Shelter space equivalent to two persons per mobile home lot,
   b. Designed in conformance with "National Performance Criteria for Tornado Shelters" by the Federal Emergency Management Agency (FEMA) and any other referenced material by FEMA,
   c. Shelters shall be sited in order to provide maximum protection to park occupants and so that residents may reach a shelter within the maximum safe time frame as directed by FEMA.
9. All trailer pad locations shall be hard surfaced with properly reinforced Poured in Place Concrete.
10. Not less than 10 percent of the total court area shall be designated and used for park, playground and recreational purposes.
11. Each mobile home dwelling shall be provided with a paved patio or equivalent, other than parking spaces, of not less than 150 square feet.

5.09.07 *Plan Requirements:*

1. A complete plan of the mobile home development shall be submitted showing:
2. A development plan and grading plan of the court.
3. The area and dimensions of the tract of land.
4. The number, location, and size of all mobile home spaces.
5. The area and dimensions of the park, playground and recreation areas.
6. The location and width of roadways and walkways.
7. The location of service buildings and any other proposed structures.
8. The location of water and sewer lines and sewage disposal facilities.
9. Plans and specifications of all buildings and other improvements constructed or to be constructed within the mobile home court.

5.09.08 *Use Limitations:* All lots must be platted in accordance with the Subdivision Regulations of the City of Genoa.

Section 5.10 R-4 Lakefront Residential

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

5.10.02 *Permitted Uses:*

The following principal uses are permitted in the R-4 District.

1. Single-Family Dwellings.
2. Places of worship such as churches, synagogues and temples.
3. Public and private schools.
4. Public Uses, including but not limited to recreational uses, fire stations, utilities and utility distribution systems, community centers, auditoriums, libraries or museums.
5. Public parks and recreation areas, playgrounds and conservation areas including flood control facilities.

5.10.03 *Conditional Uses:*

The following uses are subject to any conditions listed in this Ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the R-4 District as recommended by the Planning Commission and City Council and approved by the City Council.

1. Resource extraction operations, pursuant to Section 9.15 and provided the following conditions have been met:
   a. Said operation was the initial method for the Lake development,
   b. Said operation is part of a continuing Lakefront Residential development plan,
   c. Said operation and any residential development have separate point of ingress and egress,
   d. Said operation is being established to expand an existing Lakefront Residential District
2. Accessory buildings for personal use without a principal structure/use on the property.

5.10.04 *Temporary Uses:* The following temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit

1. Buildings and uses incidental to construction work which shall be removed upon completion or abandonment of the construction work.
2. Temporary structure for festivals or commercial events.

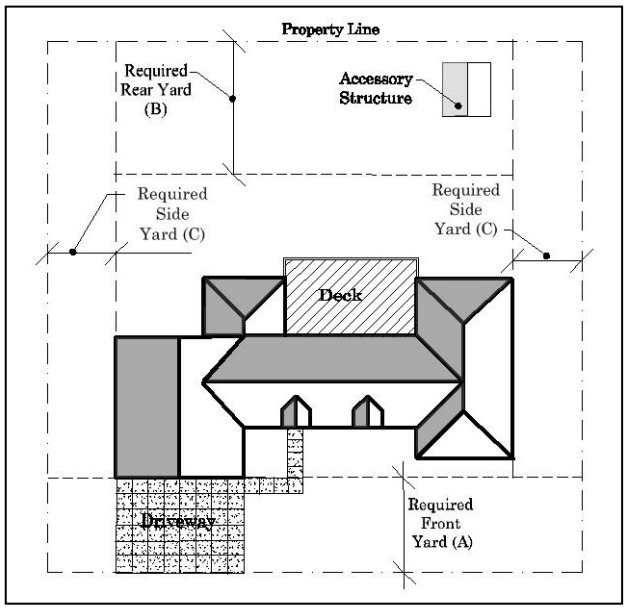
5.10.04 *Accessory Uses:*

1. Buildings and uses customarily incidental to the principal use.
2. Home occupation, pursuant to Section 9.01.
3. Private swimming pool, tennis court, and other recreational facilities in conjunction with a residence.
4. Signs pursuant to Article 8.
5. Parking pursuant to Article 7.
6. Fences pursuant to Section 9.04.
7. Decks, gazeboes, elevated patios either attached or detached.
8. Family Child Care Home I

5.10.06 *Height and Lot Requirements:* The height and minimum lot requirements shall be follows: The minimum area and maximum height regulations are as follows:

Use	Lot Area (sq. ft.)	Lot Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)	Lake Side Yard Setback (feet from water)	Max. Height (feet)	Max. Lot Coverage
Single Family Detached	8,000	50	20	4	25 (3)	20	35	35'%
Single Family Attached and Townhouse (per unit	4,000	18 (6)	20	(1)	25 (3)	20	35	35%
Two Family	8,500	60	20	4	25 (3)	20	35	35'%
Other Permitted Uses	8,000	50	20	4	25 (3)	20	35	50%
Conditional Uses	8,000	50	20	4	25 (3)	20	35	50%
Accessory Uses	-	-	20	4	5	20 (5)	17	10% (4)

1. The side yard along the common wall shall be 0 feet. The common wall shall be along the adjoining lot line.
2. The Side Yard Setback shall be 10 feet if the structure is over 30 feet in height
3. See Section **** of this Ordinance.
4. Total area of accessory structure for single family shall not exceed 1,200 sq. ft. and the total lot coverage of all buildings does not exceed 45 percent.
5. Boat slips or docks (unattached to buildings/structures) shall have no setback required when in water.
6. Exterior lots shall be a minimum of 30 feet in width.



Section 5.11 C-1 Downtown Commercial District

5.11.01 *Intent:* The (C-1) Downtown Commercial District is intended to provide for commercial development within the existing downtown area of Genoa that will benefit the retail trade, business, cultural, and social activities of the entire community.

5.11.02 *Permitted Uses:*

The following principal uses are permitted in the C-1 District.

1. Business and professional services not including uses defined in Adult Establishment as follows:
   a. attorneys,
   b. banks,
   c. insurance offices,
   d. real estate offices,
   e. postal stations,
   f. printing, photocopying and printers,
   g. credit services,
   h. security brokers,
   i. dealers and exchange,
   j. title abstracting,
   k. Finance services and
   l. investment services.
2. Dance studio, not including uses defined in Adult Establishment.
3. Meeting hall, not including uses defined in Adult Establishment.
4. Clinic and offices for physicians and other medical professionals.
5. Government offices and facilities.
6. Mortuary.
7. Dwelling units on the second story or higher; provided all setbacks and parking requirements are met.
8. Painting, plumbing, upholstery or similar general service shop.
9. Retail business or service establishment supplying commodities or performing services at a small scale, such as, or in compatibility with and including the following:
   a. Apparel shop.
   b. Antique store.
   c. Automobile parts supply store, not including repair or service facilities.
   d. Bakery shop.
   e. Barber and Beauty shop.
   f. Bars and Taverns, provided all necessary licenses and permits have been secured.
   g. Bookstore, not including uses defined in Adult Establishment.
   h. Communication services.
   i. Computer store.
   j. Drug stores and prescription shops.
   k. Floral shop and commercial greenhouses.
   l. Gift and curio shop.
   m. Grocery store.
   n. Hardware store including painting, plumbing, upholstery or similar.
   o. Laundry and dry cleaning pick-up and delivery stations.
   p. Photography studio not including uses defined in Adult Establishment.
   q. Picture framing shop.
   r. Restaurants.
   s. Second hand stores.
   t. Tanning salon.
   u. Variety store, not including uses defined in Adult Establishment.
   v. Video store, not including uses defined in Adult Establishment.
   w. Telephone exchange.
   x. Telephone answering service.
   y. Frozen Food Locker
   z. Self-service laundries.

5.11.03 *Conditional Uses:*

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

1. Car wash.
2. Churches, temples, seminaries, and convents including residences for teachers and pastors.
3. Convenience store with limited fuel sales provided the following minimum requirements are met:
   a. The use has a minimum lot area of 10,000 square feet
   b. All surfaces associated with the sale of gasoline shall be on an all-weather surface.
4. Exercise, fitness and tanning spa, not including uses defined in Adult Establishment.
5. Automobile or trailer display or salesroom or an automobile or trailer sales storage lot when located at least 50 feet from any Residential District
6. Gas station provided the following minimum requirements are met:
   a. The use has a minimum lot area of 10,000 square feet
   b. All surfaces associated with the sale of gasoline shall be on an all-weather surface.
7. Public utility main transmission lines including substations, distribution centers, regulator stations, pumping, treatment facilities, storage, equipment buildings, garages, towers, or similar public service uses.

5.11.04 *Temporary Uses:*

The following temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit

1. Temporary greenhouses.
2. Fireworks stands provided the criteria are met as established by the City through separate Ordinances and the Nebraska State Fire Marshall's Office.
3. Buildings and uses incidental to construction work which shall be removed upon completion or abandonment of the construction work.
4. Portable Storage Containers.
5. Temporary structure for festivals or commercial events.
6. Mobile Food Units per Section 4.24

5.11.05 *Accessory Uses and Structures*

1. Buildings and uses customarily incidental to the permitted uses.
2. Parking pursuant to Article 7.
3. Signs pursuant to Article 8.
4. Vending machines
5. Reverse vending machines

5.11.06 *Height and Lot Requirements:* The height and minimum lot requirements shall be as follows:

Use	Lot Area (sq. ft.)	Lot Width (feet)	A Front Yard (feet)	B Rear Yard (feet)	C Side Yard (feet)	Max. Height (feet)	Max. Coverage (%)
Permitted Uses	-	-	-	**	*	45	100
Conditional Uses	-	-	-	**	*	45	100
Accessory Buildings	-	-	-	**	*	-	10

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

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

5.11.07 *Use Limitations:*

1. When adjacent to any residential district, no parking, drives or signs shall be allowed in the required front yard within 15 feet of such residential district.
2. When adjacent to any residential district, new construction shall provide permanent screen with a height of six feet or six feet four inches if a fence, in order to minimize impacts on residentially zoned property, pursuant to Section 9.04.
3. No outdoor storage, except the display of merchandise for sale to the public, shall be permitted.
4. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and/or District and so that no glare is visible to any traffic on any public street.

5. All business, service, repair, processing, storage or merchandise display on property abutting or facing a lot in a residential district shall be conducted wholly within an enclosed building, unless screened from the residential district by a sight-obscuring fence permanently maintained at least six feet in height.
6. Openings to structures on sides adjacent to or across the street from a residential district shall be prohibited if such access or openings will cause glare, excessive noise or other adverse effects on residential properties.
7. Motor vehicle, boat, or trailer rental or sales lots shall be drained and surfaced with crushed rock or pavement, except in those portions of the lot maintained as landscape area.
8. All new buildings constructed within the C-1 Downtown Commercial District shall have a brick or concrete/plaster style façade on the front face of the building.

Section 5.12 C-2 General Commercial District

5.12.01 *Intent:* The (C-2) General Commercial District is intended to establish standards that will foster and maintain an area within the district boundaries that will benefit the retail trade, business, cultural, and social activities of the entire community.

5.12.02 *Permitted Uses:*

The following principal uses, not including uses defined in Adult Establishment, are permitted in the C-2 District.

1. Business and professional services including:
   a. attorneys,
   b. banks,
   c. insurance offices,
   d. real estate offices,
   e. postal stations,
   f. printing, photocopying and printers,
   g. credit services,
   h. security brokers,
   i. dealers and exchange,
   j. title abstracting,
   k. finance services and
   l. investment services.
2. Child care/day care.
3. Clinic.
4. Dance studio, not including uses defined in Adult Establishment.
5. Meeting hall, not including uses defined in Adult Establishment.
6. Retail business or service establishment supplying commodities or performing services, such as, or in compatibility with and including the following:
   a. Antique store.
   b. Automobile displays, sales, service, and repair.
   c. Automobile parts and supplies store.
   d. Bakery shop.
   e. Barber and Beauty shop.
   f. Building materials retail sales.
   g. Commercial greenhouses.
   h. Communication services.
   i. Computer store.
   j. Drug stores and prescription shops.
   k. Exercise, fitness and tanning spa, not including uses defined in Adult Establishment.
   l. Floral shop.
   m. Gift and curio shop.
   n. Grocery store.
   o. Hardware and buildings materials store.
   p. Indoor amusement and entertainment establishment, including bowling alleys and movie theaters, not including uses defined in Adult Establishment.
   q. Laundry and dry cleaning pick-up and delivery stations.
   r. Medical and dental clinics.
   s. Outdoor amusement and entertainment establishment, including miniature golf, but not including outdoor movie theaters.
   t. Photography studio.
   u. Picture framing shop.
   v. Restaurants, cafes, and fast food establishment.
   w. Second hand stores.
   x. Tanning salon.
   y. Variety store, not including uses defined in Adult Establishment.
   z. Video store, not including uses defined in Adult Establishment.
   aa. Social club and fraternal organizations, not including uses defined in Adult Establishment.
   bb. Telephone exchange.
   cc. Telephone answering service.
   dd. Public overhead and underground local distribution utilities.

5.12.03 *Conditional Uses:*

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

1. Amusement arcades.
2. Garden supply and retail garden center.
3. Totally enclosed, automated and conveyor-style car washes.
4. Convenience store with limited fuel sales provided the following minimum requirements are met:
   a. The use has a minimum lot area of 10,000 square feet
   b. All surfaces associated with the sale of gasoline shall be on an all-weather surface.
5. Churches, temples, seminaries, and convents including residences for teachers and pastors.
6. Retail motor vehicle sales and service.
7. Car wash.
8. Garden supply and retail garden center.
9. Bar and tavern.
10. Service station and minor automobile repair services provided the following minimum requirements are met:
    a. The use has a minimum lot area of 10,000 square feet
    b. All surfaces associated with the sale of gasoline shall be on an all-weather surface.
11. Tire store and minor automobile repair service.
12. Mortuaries and funeral chapels.
    a. Minimum lot area of 12,000 square feet

5.12.04 *Temporary Uses:*

The following temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit

1. Temporary greenhouses.
2. Fireworks stands provided the criteria are met as established by the City through separate Ordinances.
3. Buildings and uses incidental to construction work which shall be removed upon completion or abandonment of the construction work.
4. Temporary structure for festivals or commercial events.
5. Portable Storage Containers.
6. Mobile Food Units per Section 4.24

5.12.05 *Accessory Uses and Structures*

1. Buildings and uses customarily incidental to the permitted uses.
2. Parking pursuant to Article 7.
3. Signs pursuant to Article 8.
4. Vending machines
5. Reverse vending machines

5.12.06 *Height and Lot Requirements:* The height and minimum lot requirements shall be as follows unless otherwise noted:

Use	Lot Area (sq. ft.)	Lot Width (feet)	Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)	Max. Height (feet)	Max. Lot Coverage (%)
Permitted Uses	4,000	50	25	25**	10	45*	50
Conditional Uses	4,000	50	25	25**	10	45*	50
Accessory Buildings	-	-	25	25**	10	-	10

* The maximum height of any use shall be decreased to 35 feet when located within 100 feet of any residential district.

** See Section 4.21

5.12.07 *Use Limitations:*

1. When adjacent to any residential district, no parking, drives or signs shall be allowed in the required front yard within 15 feet of such residential district.
2. When adjacent to any residential district, new construction shall provide permanent screen with a height of six feet of six feet four inches if a fence, in order to minimize impacts on residentially zoned property, pursuant to Section 9.04.

3. No outdoor storage, except the display of merchandise for sale to the public, shall be permitted.
4. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.
5. When adjacent to an alley, the width of the alley shall be included in computing the minimum rear yard setback.
6. Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light on any property located in a residential or mobile home district.
7. All business, service, repair, processing, storage or merchandise display on property abutting or facing a lot in a residential district shall be conducted wholly within an enclosed building, unless screened from the residential district by a sight-obscuring fence permanently maintained at least six feet in height.
8. Openings to structures on sides adjacent to or across the street from a residential district shall be prohibited if such access or openings will cause glare, excessive noise or other adverse effects on residential properties.
9. Motor vehicle, boat, or trailer rental or sales lots shall be drained and surfaced with crushed rock or pavement, except in those portions of the lot maintained as landscape area.

Section 5.13 C-3 Highway Commercial District

5.13.01 *Intent:* The (C-3) 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. In some cases, developments may be required to plat and construct service roads in order to limit the amount of access points required along the expressway.

5.13.02 *Permitted Uses:*

The following principal uses are permitted in the C-3 District.

1. Business and professional services, not including uses defined in Adult Establishment, as follows:
   a. attorneys,
   b. banks,
   c. insurance offices,
   d. real estate offices,
   e. postal stations,
   f. printing, photocopying, and printers,
   g. credit services,
   h. security brokers,
   i. dealers and exchange,
   j. title abstracting,
   k. finance services, and
   l. Investment services.
2. Medical and Dental Clinics.
3. Dance studio, not including uses defined in Adult Establishment.
4. Meeting hall, not including uses defined in Adult Establishment.
5. Golf driving range
6. Contract construction services.
7. Feed, grain, and fertilizer sales.
8. Veterinary services and small animal hospital.
9. Wholesale distribution and warehousing.
10. Raising of field crops and horticulture.
11. Retail business or service establishment supplying commodities or performing services, such as, or in compatibility with and including the following:
    a. Agricultural implement sales and service centers.
    b. Antique store.
    c. Automobile displays, sales, service, and repair.
    d. Automobile parts and supplies store.
    e. Bakery shop.
    f. Barber and Beauty shop.
    g. Bottled gas transfer.
    h. Building materials retail sales.
    i. Car Washes, Manual.
    j. Commercial greenhouses.
    k. Communication services.
    l. Computer store.
    m. Drug stores and prescription shops.
    n. Exercise, fitness and tanning spa, not including uses defined in Adult Establishment.
    o. Floral shop.
    p. Gift and curio shop.
    q. Grocery store.
    r. Hardware and buildings materials store.
    s. Indoor amusement and entertainment establishment, including bowling alleys and movie theaters, not including uses defined in Adult Establishment.
    t. Laundry and dry cleaning pick-up and delivery stations.
    u. Marine craft and accessories.
    v. Mortuaries and funeral chapels.
    w. Motels and Hotels
    x. Outdoor amusement and entertainment establishment, including miniature golf.

y. Restaurants, cafes, and fast food establishment.
z. Tanning salon.
aa. Variety store, not including uses defined in Adult Establishment.
bb. Video store, not including uses defined in Adult Establishment.
cc. Social club and fraternal organizations, not including uses defined in Adult Establishment.
dd. Public overhead and underground local distribution utilities.

5.13.03 *Conditional Uses:*

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

1. Garden supply and retail garden center.
2. Totally enclosed, automated and conveyor-style car washes.
3. Convenience store with limited fuel sales provided the following minimum requirements are met:
   a. The use has a minimum lot area of 10,000 square feet
   b. All surfaces associated with the sale of gasoline shall be on an all-weather surface.
4. Churches, temples, seminaries, and convents including residences for teachers and pastors.
5. Retail motor vehicle sales and service.
6. Bar and tavern
7. Service station and minor automobile repair services provided the following minimum requirements are met:
   a. The use has a minimum lot area of 10,000 square feet
   b. All surfaces associated with the sale of gasoline shall be on an all-weather surface.
8. Tire store and minor automobile repair service.
9. Motor home and mobile home sales.
10. Tourist campgrounds on lots of five acres or more provided adequate public utilities are available on the site.

5.13.04 *Temporary Uses:*

The following temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit

1. Temporary greenhouses.
2. Fireworks stands provided the criteria are met as established by the City through separate Ordinances.
3. Buildings and uses incidental to construction work which shall be removed upon completion or abandonment of the construction work.
4. Temporary structure for festivals or commercial events.
5. Portable Storage Containers.
6. Mobile Food Units per Section 4.24

5.13.05 *Accessory Uses and Structures*

1. Buildings and uses customarily incidental to the permitted uses.
2. Parking pursuant to Article 7.
3. Signs pursuant to Article 8.
4. Vending machines
5. Reverse vending machines

5.13.06 *Height and Lot Requirements:* The height and minimum lot requirements shall be as follows:

Use	Lot Area (sq. ft.)	Lot Width (feet)	A Front Yard (feet)	B Rear Yard (feet)	C Side Yard (feet)	Max. Height (feet)	Max. Lot Coverage (%)
Permitted Uses	10,000	80	35	20**	10	35*	40
Conditional Uses	10,000	80	35	20**	10	35*	40
Accessory Buildings	-	-	35	20**	10	-	10

* The maximum height of any use shall be decreased to 35 feet when located within 100 feet of any residential district.
** See Section 4.21

5.13.07 *Use Limitations:*

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

Section 5.14 FLEX Flexible Space Mixed Use District

5.14.01 *Intent:* This district is established to provide space for a range of commercial, office, light industrial, and production facilities. The Flex Space District is also intended to provide support uses, including complimentary office and retail use complementing the general land use pattern of the community and assisting the implementation of the adopted goals and policies of the community.

5.14.02 *Permitted Uses.*

The following principal uses are permitted in the FLEX District:

1. Retail use, examples of possible retail uses, but not those defined in Adult Establishments, including:
   a. gas stations,
   b. general retail,
   c. restaurants,
   d. catering, shops,
   e. nightclubs,
   f. lodges,
   g. motels and hotels,
   h. commercial recreational activities.
2. Office buildings, examples of possible office building uses include:
   a. medical,
   b. professional, and
   c. service.
3. Community colleges, colleges, or other post-secondary education facilities.
4. Private schools.
5. Nonprofit religious, educational and philanthropic institutions.
6. Farming and the sale of farm produce.
7. Reconstruction of a single-family dwelling that was existing at the time of adoption.

5.14.03 *Conditional Uses.*

The following uses are subject to any conditions listed in this ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the FLEX District as recommended and approved by the Planning Commission:

1. Warehouse and distribution.
2. Lumber, Hardware equipment and supply.
3. Storage facilities, including:
   a. Self-storage units,
   b. storage of recreational vehicles,
   c. storage of automobiles, and
   d. storage of boats;
4. Sales facilities, including:
   a. Automobiles,
   b. boats,
   c. trucks,
   d. campers, and
   e. agriculture implements.
5. Truck stop facilities with complete truck services.
6. Trucking terminals.
7. Veterinary clinic and animal hospitals
8. Recreation Vehicle Park and campground.
9. Heliports and airports.
10. Agricultural businesses including equipment storage.
11. Production, manufacturing, assembly, processing, or transportation of goods and materials, **except**:
    a. The refining, distillation, or manufacture of Acids or alcohols, Chemicals, Petroleum products, Cement, lime, gypsum, or plaster of paris or Fertilizer.
    b. The operation of Blast furnaces, coke ovens, smelting or ore reduction works, Boiler works, Forges, Rolling mills, or Yeast plants.
    c. Production, manufacture, processing, or transportation of toxic, radioactive, flammable, or explosive materials.
    d. Tanning, curing, or storage of raw hides or skins; stockyards or slaughter of animals or fowl rendering fat; distillation of bones, coals, or wood

e. Dumping or reduction of garbage, offal, or dead animals
f. Mining, quarrying, stone willing, or rock crushing
g. Extraction of sand, gravel, or soil

5.14.04 *Temporary Uses:*

The following temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit

1. Temporary greenhouses.
2. Temporary structures as needed for sidewalk and other outdoor sales events.
3. Buildings and uses incidental to construction work are permitted to remain until completion or abandonment of the construction work, at which time they shall be removed.
4. Temporary structure for festivals or commercial events.
5. Portable Storage Containers.
6. Mobile Food Units per Section 4.24

5.14.04 *Accessory Uses and Structures:*

1. Buildings and uses customarily incidental to the permitted uses.
2. Parking as allowed in Article 6.
3. Signs allowed in Article 7.
4. Screening as required by Section 9.06.
5. Fireworks stands provided the criteria are met as established by the city through separate ordinances.
6. Vending machines
7. Reverse vending machines

5.14.05 *Height and Lot Requirements:*

The height and minimum lot requirements shall be as follows:

Uses	Lot Area (SF)	Lot Width	Front Yard	Side Yard	Rear Yard	Max. Height	Max. Lot Coverage
Permitted Uses	10,000	100'	[1]	[2]	[2]	45'	70%
Conditional Uses	10,000	100'	[1]	[2]	[2]	45'	70%

1. There shall be a minimum front yard of not less than 100 feet from property line along a state highway or city street classified as an arterial, 50 feet from the property line along a city street classified as a collector, 25 feet from the property line along a city street classified as a local street or private road, and at least 100 feet from the road right-of-way along a county road. If parking is located in the front yard then front yard setback is a minimum of fifty (50) feet.
2. The side and rear yard shall be ten feet where the lot line abuts other commercial or industrial district lot lines. In any instance where a side or rear lot line abuts a residential district, the minimum yard shall be 50 feet. In addition, a landscape screen as defined in this ordinance shall be provided. Such landscape screen shall be located no closer than ten feet to any residential structure.

5.14.07 *Use Limitations:*

1. When adjacent to residentially zoned land, no parking, drives or signs shall be allowed in any required yard within 15 feet of such district. Furthermore, permanent screening shall be provided in this area in order to minimize impacts on residentially zoned property, as per Section 8.09.04.
2. A landscape buffer of at least 15 feet in depth shall be provided adjacent to the front property line along a highway or a street classified as an arterial. When a lot frontage abuts a street that is classified as a collector, local street, or private road, a landscape buffer at least ten feet in depth shall be provided at the front property line.
3. No outdoor storage, except the display of merchandise for sale to the public, shall be permitted.
4. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.

5.14.08 *Performance Standards:*

See Section 9.05 of the Supplemental Regulations.

Section 5.15 I-1 Industrial District

5.15.01 *Intent:* It is the intent of the (I-1) Industrial District to provide standards for areas suitable for some industrial, wholesaling and storage activities, to preserve land for the expansion of the basic economic activities, to free these areas from intrusion by incompatible land uses, that these areas should be served with adequate transportation facilities, and that user of this land conduct activities that create low to moderate hazards to adjacent properties.

Adult Entertainment Facilities are included in this Zoning District. The intent of the Genoa Zoning Ordinance in including these uses in this district is not to prohibit these uses but to regulate the secondary effects of these uses within the community.

5.15.02 *Permitted Uses:*

The following principal uses are permitted in the I-1 District.

1. Assembly, fabrication and processing of products inside an enclosed building, except hazardous or combustible materials.
2. Manufacture and assembly of electrical and electronic components.
3. Manufacturing, compounding, processing, packaging, or treatment of articles or merchandise from previously prepared materials.
4. Manufacture of light sheet metal products including heating and ventilation equipment.
5. Warehouses and wholesale businesses.
6. Concrete batch plant
7. Cement or clay products manufacture.
8. Fuel storage yard and/or refining
9. Machine shops and/or welding shops.
10. Truck and tractor repair.
11. Mobile or modular home manufacturing.
12. Building materials yards with enclosed and screened storage areas.
13. Highway maintenance yards or buildings
14. Raising of field crops and horticulture.
15. Gas station provided the following minimum requirements are met:
    a. The use has a minimum lot area of 10,000 square feet
    b. All surfaces associated with the sale of gasoline shall be on an all-weather surface.
16. Sales, service and storage of mobile homes, campers, boats, bicycles, motor vehicles, motorized equipment and accessories for such vehicles.
17. Commercial uses (including retail stores) including but not limited to the following:
    a. Lumber yards
    b. Nursery stock production and sales
    c. Yard equipment and supply dealers
    d. Firewood operations
    e. Building contractors and equipment
    f. Transportation centers
    g. Service garages
    h. Wholesale operation household equipment and appliance repair
    i. Rental establishments
    j. Car washes
    k. Bulk cleaning and laundry plants
    l. Cold storage lockers
    m. Printing services

5.15.03 *Conditional Uses:*

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

1. Gravel, sand or dirt removal, stockpiling, processing or distribution.
2. Retail sales of products constructed on site.
3. Auto wrecking and salvage operations, pursuant to Section 9.09
4. Truck terminal and dock facilities to include truck washing, tractor, trailer or truck storage including maintenance facilities.
5. Contractor's storage yard or plant.

6. Animal hospitals and kennels provided the use is located a minimum of 300 feet from any residential use or district.
7. Radio, television and communication towers and transmitters, pursuant to Section 9.03.
8. Overhead and underground utility main transmission lines including but not limited to power, telephone, gas, fuel, or fertilizer lines, substations, terminal facilities, and reservoirs.
9. Auction Sales.
10. Self storage units.
11. Grain Storage.
12. Paint shops in association with permitted or conditional use within the district.
13. Construction and heavy equipment sales and service.
14. Farm implement sales and service.
15. Auto body repair and shops.
16. Perimeter security fencing above six feet in height.
17. Adult Entertainment establishments, provided the provision of Section 9.13 are met:

5.15.04 *Temporary Uses:*

The following temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit

1. Temporary greenhouses.
2. Fireworks stands provided the criteria are met as established by the City through separate Ordinances.
3. Buildings and uses incidental to construction work which shall be removed upon completion or abandonment of the construction work.
4. Temporary structure for festivals or commercial events.
5. Portable Storage Containers.
6. Mobile Food Units per Section 4.24

5.15.05 *Accessory Uses and Structures:*

1. Buildings and uses customarily incidental to the permitted uses.
2. Parking pursuant to Article 7.
3. Signs pursuant to Article 8.
4. Vending machines
5. Reverse vending machines

5.15.06 *Height and Lot Requirements:* The height and minimum lot requirements shall be as follows:

Use	Lot Area (sq. ft.)	Lot Width (feet)	A Front Yard (feet)	B Rear Yard (feet)	C Side Yard (feet)	Max. Height (feet)	Max. Lot Coverage (%)
Permitted Uses	20,000**	80	50	20	10	*	50
Conditional Uses	20,000**	80	50	20	10	*	50
Accessory Buildings	-	-	-	-	-	-	20

* The maximum height of any use shall be decreased to 45 feet when located within 150 feet of any residential use or district.

** Unless otherwise noted

5.15.07 *Use Limitations:*

1. When adjacent to any residential district, no parking, drives or signs shall be allowed in the required front yard within 15 feet of such residential district. Furthermore, permanent screening shall be provided in this area in order to minimize impacts on residentially zoned property, pursuant to Section 9.06.
2. No outdoor storage, except the display of merchandise for sale to the public, shall be permitted.
3. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.
4. All developments shall include access roads and an interior circulation system.
5. All business, service, repair, processing, storage or merchandise display on property abutting or facing a lot in a residential district shall be conducted wholly within an enclosed building, unless screened from the residential district by a sight-obscuring fence permanently maintained at least six feet in height.

6. Openings to structures on sides adjacent to or across the street from a residential district shall be prohibited if such access or openings will cause glare, excessive noise or other adverse effects on residential properties.
7. Motor vehicle, boat, or trailer rental or sales lots shall be drained and surfaced with crushed rock or pavement, except in those portions of the lot maintained as landscape area.

5.15.08 *Performance Standards:* See Section 9.05 of the Supplemental Regulations

Section 5.16 PUD: Planned Unit Development District

5.16.01 *Intent:*

The Planned Unit Development District (PUD) is to encourage the creative design of new living and retail areas, as distinguished from subdivisions of standard lot sizes, in order to permit such creative design in buildings, open space, while promoting the health, safety, and general welfare of existing and future residents of surrounding neighborhoods.

When a PUD District is requested, it will require a change of zone with the PUD being attached to the primary district. Once the rezoning is approved, the allowed uses and standards herein shall modify the minimum requirements of the underlying district.

5.16.02 *Permitted Uses:*

The following uses are permitted in the Planned Unit Development District provided the requirements of this Article are met.

1. All uses allowed as permitted in the primary underlying district

5.16.03 *Conditional Uses*

The following uses may be allowed through the approval of a Conditional Use Permit, as established by this Ordinance, provide all noted, as well as any special conditions required by the City Council are met.

1. All uses allowed as a conditional use in the primary underlying district.

5.16.04 *Temporary Uses:*

The following temporary uses shall be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit

1. All uses allowed as a temporary use in the primary underlying district

5.16.05 *Accessory Uses and Structures:*

1. All accessory uses allowed within the primary district.

5.16.06 *Supplemental Requirements:*

1. The Planning Commission, in its minutes, shall set forth its reasons for recommendation of approval or denial of the application for a PUD plan approval, along with specific evidence and facts showing that the proposal meets or does not meet the following conditions.
   a. Said PUD shall be in general conformity with the provisions of the Genoa Comprehensive Plan.
   b. Said PUD shall not have a substantially adverse effect on the development of the neighboring area.
   c. The minimum size allowed for a PUD District by type of use shall be as follows:

      Residential (only), three acres;
      Residential - Commercial (combination), five acres.

   d. Height, bulk, and yard requirements shall be reflected on the Development Plan and shall promote an efficient and creative use of land.

2. Use Limitations:
   In a PUD no building, structure, land, or premises shall be used, and no building shall be erected, constructed, or altered, except for any use permitted in this District. All uses must be approved as shown on the Development Plan as specified in this division.

3. Standards and conditions for development:
   A development proposed for land classified as the PUD district shall be consistent with the following general standards for use of land, and the use, type, bulk, and location of buildings, the density or intensity of use, open space, public facilities, and the Development Plan shall, where applicable, reflect compliance.
   a. The applicant shall satisfy the Planning Commission and City Council that there is the ability to carry out the proposed plan, including financial assurances and the phasing of the project, and shall prepare and submit a schedule of construction, if necessary. The proposed construction

shall begin within a period of 12 months following the approval of the final application by the City Council. A minimum of 50% of the total planned construction shown on the final plan shall be completed within a period of five years following such approval or the approval shall expire. If the approval expires under this section, the applicant shall show good cause to the Planning Commission to extend the plan approval.

b. The developer shall provide and record easements and covenants, shall make such other arrangements, and shall furnish such performance bonds, escrow deposit, or other financial guarantees for public improvements as may be determined by the City Council to be reasonably required to assure performance in accordance with the Development Plan and to protect the public interest in the event of abandonment of said plan before completion.

c. The site shall be accessible from public roads that are adequate to carry the traffic that will be imposed upon them by the proposed development. The streets and driveways on the site of the proposed development shall be adequate to serve the residents or occupants of the proposed development.

d. The development shall not impose an undue burden on public services and facilities, such as fire and police protection.

e. The entire tract or parcel of land to be occupied by the PUD development shall be held in single ownership or control, or if there are two or more owners, the application for such PUD development shall be filed jointly by all owners. This provision may be waived provided that the land contains existing improvements.

f. The location and arrangement of structures, parking areas, walks, lighting, and appurtenant facilities shall be compatible with the surrounding land uses, and any part of a PUD development not used for structures, parking and loading areas, or access ways shall be landscaped or otherwise improved as shown on the Development Plan.

g. Off-street parking and loading shall be provided in accordance with the parking and loading regulations of the City of Genoa.

h. When a commercial use within a PUD District abuts a residential district, the Development Plan shall reflect screening consisting of landscaping and/or fencing provided adjacent to any adjoining residential district; except in the event the adjacent residential use and the commercial use are separated by a street right-of-way.

i. All residential and commercial buildings shall set back not less than 25 feet from the perimeter of the land zoned PUD. Additional setback from a heavily traveled thoroughfare may be required, when found reasonable by the planning commission for protection of health, safety, and general welfare.

j. Building coverage area shall not exceed the following percentages of the net developable area of each individual parcel of the total development:

Residential: 60 percent maximum;
Commercial: 50 percent maximum.

NOTE: Building coverage area, is the area covered by building(s) or structure(s) on each individual lot or parcel (not including such impervious improvements such as but not limited to walkways, driveways, patios etc). The net developable area shall be the area of each parcel and the net of any required yard required under the Development Plan. The Development Plan shall reflect the calculations used to demonstrate compliance with this requirement.

k. A minimum of 20 percent of the net area of that part of a PUD development reserved for residential use shall be provided for Common Areas as defined by these regulations under subsection (p) below. The term “net area” shall be the gross area, measured in square feet, of the Development Plan devoted to residential use less the area dedicated for public streets. Common Areas shall be defined as playgrounds, street medians, landscaped green space, or other similar areas designed to be used by the residents of the development in common with each other. Common Areas for the leisure and recreation of development residents shall be owned and maintained in common by them, through a homeowner's association.

l. The PUD District shall include such provisions for the ownership and maintenance of the Common Areas as are reasonably necessary to insure its continuity, care, conservation, and maintenance, and to insure that remedial measures will be available to the City Council if the common open space is permitted to deteriorate, or is not maintained in a condition consistent with the best interests of the planned unit development or of the entire community. The applicant shall submit any protective covenants and organizational documents of the homeowner’s association with the Development Plan.

m. No residential use shall have direct access onto an arterial street unless approved by the City Council in the Development Plan.
n. Any commercial use must reflect its traffic flow on the Development Plan. All commercial areas must have indirect access via a collector or arterial street; however, no individual commercial use may have direct access onto collector or arterial streets.
o. Sidewalks shall be built to City specifications along all public and private streets; however, an alternative pedestrian and sidewalk plan may be developed which provides pedestrian access between each use in the PUD development.
p. Common Areas as defined under this zoning district shall mean land area of the site not covered by buildings, parking, structures, community buildings, or accessory structures, except recreational structures. Common Areas shall include open space that is accessible and available to all owners or residents in common pursuant to an Owner's Association.

5.16.07 *Application for approval of Planned Unit Development:*

1. An application for a PUD shall be handled in the same manner prescribed for amending this Ordinance. The same requirements for notice, advertisement of public hearing, protests, and adoption shall be required as zoning changes.
2. The applicant shall prepare and submit 11 copies of the development plan (the "Development Plan") of the proposed development in the PUD District for review and approval by the Planning Commission. The Development Plan shall include:
   a. A site plan showing:
      - Contours at intervals of two feet or spot elevations on a one hundred foot grid shall be required on flat land;
      - Location, size, height, and use of all proposed structures and proposed yards on each lot;
      - All points of ingress and egress, driveways, circulation aisles, parking lots, parking spaces, and service areas;
      - All streets adjoining subject property and the width of the existing right-of-way;
      - Areas set aside for Common Areas with the type of use or recreational facilities planned for each;
      - Designation of individual parcels if the proposed development is to be set up in separate construction phases;
      - Designation of individual lots if such lots are proposed to be sold to individual owners;
      - Location of required screening;
      - Location of natural features such as ponds, tree clusters, and rock outcropping;
      - Existing development on adjacent properties within 200 feet.
   b. The above-described site plan shall also include a section designated as "general provisions," and said section shall include the following when, said items are applicable:
      - Net area in square feet of the development. (*Note:* Net area shall be computed as the gross area less the land dedicated or necessary to be dedicated for public street right-of-way.
      - Density of dwelling units per acre of the total dwelling units for the entire plan.
      - Building coverage of the net area of the development by individual parcel or total development.
      - The percentage of the Development Plan provided for common open space as defined by this regulation. (*Note:* 20 percent is the minimum).
      - If more than one parcel is proposed, a statement relating to the sequence of development shall be included.
      - Required number of parking spaces and location.
      - Gross floor area proposed for commercial buildings.
      - All proposed land uses shall be listed by parcel.
   c. A statement or adequate drawings shall be included describing the manner for the disposition of sanitary waste and storm water.
   d. The full legal description of the boundaries of the property or properties to be included in the PUD development.
   e. A vicinity map showing the general arrangement of streets within an area of 1,000 feet from the boundaries of the proposed PUD development.
   f. An elevation drawing of the general characteristics of the proposed buildings may be

submitted if the applicant desires.

g. When a PUD development includes provisions for common space and/or recreational facilities, a statement describing how such open space and/or facility be owned and maintained when not under the ownership of a governmental entity. A homeowner association or other controlling entity shall provide the City of Genoa with copies of the proposed articles of incorporation and bylaws of such entity.

3. The Planning Commission shall meet within 45 days of an application being filed. Plans shall be filed with the City at least four weeks prior to a scheduled Planning Commission meeting. After the application for a PUD development is filed, the Planning Commission shall hold a public hearing on said development after giving required notice for hearings in amendments. Said public hearing may be adjourned from time to time and, within a reasonable period of time after the conclusion of said public hearing, the planning commission shall prepare and transmit to the City Council and the applicant specific findings of fact with respect to the extent which the Development Plan complies with those regulations, together with its recommendations in respect to the action to be taken on the Development Plan and PUD requirements. The planning commission may recommend disapproval, approval, or approval with amendments, conditions or restrictions.
4. The City Council shall or shall not approve the Development Plan and authorize the submitting of the final Development Plan.
5. Substantial or significant changes in the preliminary plat and PUD design shall only be made after rehearing and reapproval unless the changes were otherwise required by the Planning Commission or the City Council.

5.16.08 *Final approval:*

1. After approval of a Development Plan and prior to the issuance of any building permit or zoning permit, the applicant shall submit an application for final approval with the PUD development compliance review committee. The PUD development compliance committee shall consist of members of the Genoa Planning Commission, Genoa City Council, the Zoning Administrator, the Genoa City Attorney, and/ or the Genoa City Engineer; this committee will be assembled only on an as needed basis. Said final application may include the entire PUD District or may be for a unit or section thereof as set forth in the approval of the preliminary plan. The application shall include 11 copies of such drawings, specifications, covenants, easements, conditions, and any other conditions including but not limited to performance bonds. As set forth in the approval of the Development Plan preliminary plan and in accordance with the conditions established in this chapter for a PUD District. The final plan shall include the same information, as the preliminary plan except the following shall also be provided:
   a. A surveyor's certificate certifying to the accuracy of the boundary surveys shown.
   b. Location, names, tangent lengths, centerline radius of each curve and its interior width and angle of all proposed public right-of-way;
   c. All easements and appropriate building setback lines;
   d. All lot lines, and lot dimensions including chord distances for curvilinear lot lines;
   e. Lot and/or parcel numbers;
   f. Location, size, height, and use of all proposed or present buildings;
   g. Dedication of all streets, public highways, or other land intended for public use, signed by the owner and by all other parties who have a mortgage or lien interest in the property, together with any restrictions or covenants which apply to the property.
   h. A waiver of claim by the applicant for damages occasioned by the establishment of grades or the alteration of the surface of any portion of streets and alleys to conform to grades established.
2. A plan submitted for final approval shall be deemed to be in substantial compliance with the plan previously given tentative approval, provided any modification of the Development Plan does not:
   a. Vary the proposed gross residential density or intensity of use by more than five percent or involve a reduction in the area set aside for common open space, nor the substantial relocation of such area; nor
   b. Increase by more than 10 percent the floor area proposed for non-residential use; nor
   c. Increase by more than five percent the total ground area covered by buildings nor involve a

substantial change in the height of buildings.

d. Substantially change the design of the plan so as to significantly alter:
   - Pedestrian or vehicular traffic flow.
   - The juxtaposition of different land uses.
   - The relation of open space to residential development.
   - The proposed phasing of construction.
   - Proposed use of one or more buildings to a more intensive use category as delineated in this chapter.

3. A public hearing need not be held for the approval of a final plan if it is in substantial compliance with the approved preliminary plan. The planning commission shall, within thirty 30 business days of the time of filing, review the final plan for compliance with the approved preliminary plan. Upon review approval, said final plan shall be filed with the City Council for final approval and acceptance.
4. In the event that the final plan submitted contains changes in excess of those permitted under Subparagraph (2) above, applicant shall resubmit the original plan. The Development Plan shall be modified in the same manner prescribed in this division as for original approval.

5.16.09 *Enforcement and modification of plan:*

1. To further the mutual interest of the residents and owners of the PUD development and of the public in the preservation of the integrity of the PUD plan, as finally approved, and to insure that modifications, if any, in the plan shall not impair the reasonable reliance of the said residents and owners upon the provisions of the plan, nor result in changes that would adversely affect the public interest, the enforcement and modification of the provisions of the plan as finally approved, whether recorded by plan, covenant, easement or otherwise, shall be subject to the following provisions:
   a. The use of land and the use, bulk, and location of buildings and structures; and
   b. The quality and location of common space; and
   c. The intensity of use or the density of residential units shall run in favor of the City and
   d. Shall be enforceable in law or in equity, by the City, without limitation on any powers or regulation otherwise granted by law. The development of any land pursuant to an approved Development Plan shall be constructed in accordance with the requirements of Section 5.16 and the approved Development Plan.

5.16.10 *Amendments:*

The PUD District agreement or an approved Development Plan may be amended in the same manner prescribed in this division for approval of a preliminary or final plan. Application for amendment maybe made by the homeowner's association or 51 percent of the owners of the property within the PUD District.

5.16.11 *Platting:*

For unplatted tracts or tracts being replatted, the approval of the Development Plan shall be considered as the approval of a preliminary plan. To complete the platting process, the applicant need only submit a final plat. Said final plat shall be in accordance with the subdivision regulations, except the scale shall be 100 feet, 50 feet, or 20 feet to the inch.

5.16.12 *Fees:*

For the following applications, fees shall be paid to the City:

a. Development Plan , filing fee shall be set by the City Council by separate ordinance;
b. Final plan, filing fee shall be set by the City Council by separate ordinance.

These fees are separate and do not include any Preliminary and Final Plat Fees and/or any Change of Zone Fees required by the City of Genoa.

Section 5.17 AHR Airport Height Restriction Overlay District

5.17.01 *Intent*:

The intent of this district is that it is to be appended and to overlay any of the primary zoning districts as described in this Resolution to protect the safe use of public airports and their Airport Hazard Area, in the City and its one-mile extraterritorial jurisdiction, by limiting the location and height of structures within the operation, approach, transition and turning zones around airports which are registered with the Nebraska Department of Aeronautics, as designated on the Official Zoning Map of Genoa, Nebraska.

Airport Hazard Area Description

In accordance with Neb. Rev. Stat. §3-303, every political subdivision that has adopted a comprehensive plan and zoning regulations, and has an airport hazard area within the area of its zoning jurisdiction, must adopt, administer, and enforce the regulations in this section for such airport hazard area.

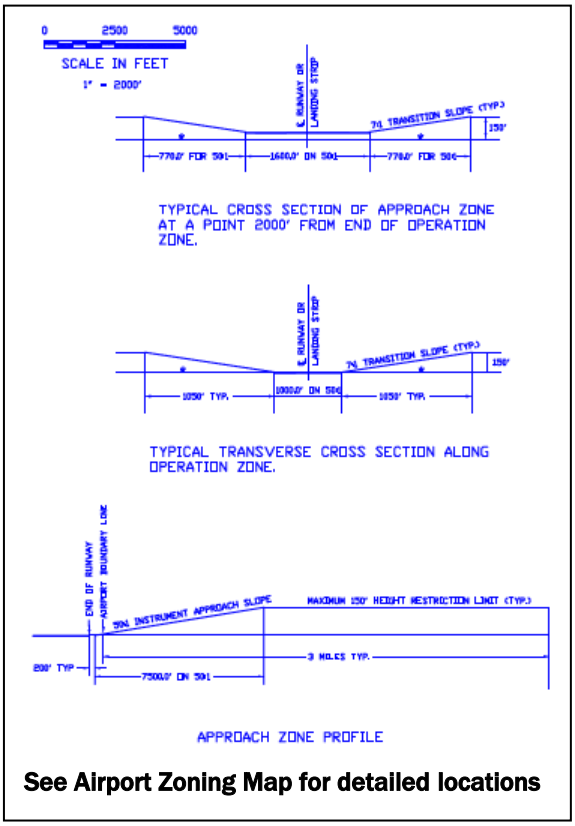
5.17.02 *Airport Zones*

The following are intended for use with this specific overlay zoning district.

Airport Hazard Area consists of Operation Zones, Approach Zones, Turning Zones, and Transition Zones.

Approach Zones extend from the end of each operation zone and are centered along the extended runway centerlines. The zones' dimensions are:

1. Instrument Runways:
   - A. Length and Width: The approach zones extend from the operation zone to the limits of the turning zone, measured along the extended runway centerline. The approach zones are 1,000 feet wide at the end nearest the runway and expand uniformly so that at a point on the extended runway centerline three miles from the operation zone, the approach zone is 5,820 feet wide.
   - B. Height Limit: The height limit of the approach zones begins at the elevation of the operation zone and rises one foot vertically for 50 feet horizontally (50:1) up to a maximum of 150 feet above the nearest existing or proposed runway end.
2. Visual Runways:
   - A. Length and Width: The approach zones extend from the operation zone to the limits of the turning zone, measured along the extended runway centerline. The approach zones are 500 feet wide at the end nearest the runway and expand uniformly so that at a point on the extended runway centerline three miles from the operation zone, the approach zone is 3,700 feet wide.
   - B. Height: The height limit of the approach zones begins at the elevation of the operation zone and rises one foot vertically for every 40 feet horizontally (40:1) up to a maximum of 150 feet above the nearest existing or proposed runway end.



See Airport Zoning Map for detailed locations

Operation Zones are longitudinally centered on each existing or proposed runway:

1. Length: For existing and proposed paved runways, the operation zones begin and end 200 feet beyond the end of each runway. For existing and proposed turf runways, the operation zones begin and end at the runway ends.

2. Width: For existing and proposed instrument runways, the operation zones are 1,000 feet wide. For all other existing and proposed runways, the operation zones are 500 feet wide.
3. Height: The height limit of the operation zones is the same as the nearest point on an existing or proposed runway or the surface of the ground, whichever is higher.

Transition Zones extend outward at right angles to the runway centerline and upward at a rate of one foot vertically for every seven feet horizontally (7:1). The height limit of these zones begins at the height limit of the adjacent operation zones or approach zones. The transition zones end at a height of 150 feet above the nearest existing or proposed runway end.

Turning Zones extend three miles from the existing or planned airport property line, excluding the operation zones, approach zones, or transition zones. The height limit of the turning zones is 150 feet above the nearest existing or proposed runway end.

5.17.03 *Height Restrictions:*
No building, transmission line, pole, tower, chimney, wires, or other structure or appurtenance of any kind or character shall hereafter be erected, constructed, repaired, or established, nor shall any tree or other object of natural growth be allowed to grow, above the heights described in subsection 5.17.02 above.

5.17.04 *Airport Zoning Map and Location*
The boundaries, operation zones, approach zones, transition zones, and turning zones of the airport are indicated on the Airport Zoning Map, which is attached hereto and made a part hereof by reference. A copy of the Airport Zoning Regulations and Airport Zoning Map shall at all times be on file in the office of the Zoning Administrator and City Clerk.

5.17.05 *Permit Requirements, Exceptions, Application Forms, and Fees*
1. Anyone wishing to erect, construct, reconstruct, repair, or establish any building, transmission line, communication line, pole, tower, smokestack, chimney, wires, or other structure or appurtenance thereto of any kind or character; or to plant or replant any tree or other object of natural growth which, when mature, would not violate the requirements of Section 5.17.03 above, within the Airport Hazard Area must first obtain a permit from Zoning Administrator.

2. Exception:
Within the Turning Zones, no permit shall be required for any construction, reconstruction, repair, or planting of anything which, when completed, or, in the case of natural growth, when mature, does not exceed seventy-five 75 feet above the nearest existing or proposed runway end.

3. Application Form:
Application for a permit as required under these regulations shall be made on a form to be available in the office of the Zoning Administrator and shall indicate the approximate location, ground elevation with reference to the end of the nearest runway or landing strip and height of the proposed structure or planting. (Mean Sea Level Elevation)

4. Permit Fee:
The fee for each permit issued shall be established by the City Council as a separate Resolution to the Zoning Ordinance, and all fees so paid shall be deposited into the airport's revenue fund.

5.17.06 **Non-Conforming Structures**
Within the Airport Hazard Area, no non-conforming building, transmission line, pole, tower, chimney, wires, or other structure or appurtenance of any kind or character or object of natural growth; and no such structures or objects of natural growth have been torn down, destroyed, have deteriorated or decayed to an extent of 50% or more of their original condition, or abandoned for a period of 12 months or more; shall hereafter be replaced, substantially reconstructed, repaired, altered, replanted, or allowed to grow, as the case may be, to a height above the heights permitted by these regulations. Transmission lines and other communication

lines shall be interpreted as all poles, wires, guys and all other equipment necessary for the operation and maintenance of same within the regulated zone.

5.17.07 *Marking of Non-Conforming Structures*

Whenever the Zoning Administrator determines that a specific structure or object in the Airport Hazard Area exceeds the height restrictions and existed prior to the promulgation of these regulations, the owner(s) and/or the lessor(s) of the premises on which the structure or object is located shall be notified in writing by the Zoning Administrator. The owner(s) and lessor(s) shall, within a reasonable time, permit the marking and lighting of the structure or object. The Zoning Administrator shall specify the required marking and lighting, consistent with Chapter 3 of these regulations entitled "Marking and Lighting of Structures". The cost of marking or lighting shall not be assessed against the owner or lessor of said premises.

5.17.08 *Administrative Agency; Enforcement*

The Zoning Administrator shall administer and enforce these regulations and shall be the administrative agency provided for in Neb. Rev. Stat. § 3-319 (Reissue 2007), and shall have all the powers and perform all the duties of the administrative agency as provided in the Airport Zoning Act.

5.17.09 *Zoning Board of Adjustment*

The Genoa Board of Adjustment shall be the board of adjustment with respect to these regulations. Said board shall have and exercise the powers conferred by Neb. Rev. Stat. §3-320 *et. seq.* (Reissue 2007) and such other powers and duties as are conferred and imposed by law.

5.17.10 *Permitted Principal Uses and Structures:*

Any use or structure permitted in the primary zoning district where this district is overlain, provided all buildings, structures and other obstacles comply with the height restrictions established in Section 5.17.03 above.

5.17.11 *Conditional Uses:*

Any conditional use permitted in the primary zoning district where this district is overlain where such conditional use has been duly authorized by the City Council in accordance with the requirements and procedures specified in this Ordinance, provided all buildings, structures and other obstacles comply with the height restrictions set forth in Section 5.17.03 above.

5.17.12 *Accessory Structures*:

Any accessory use or structure permitted in the primary zoning district where this district is overlain, provided all buildings, structures and other obstacles comply with the height restrictions established in Section 5.17.03 above.

ARTICLE 6: CONDITIONAL USE PERMITS

Section 6.01 General Provisions

The City Council may authorize and a permit conditional uses as designated in the use regulations of each district, after the following:

1. After a Planning Commission Public Hearing,
2. Referral by the Planning Commission; and
3. Conducting a City Council Public Hearing

Approval or denial shall be based on findings that the location and characteristics of the use will not be detrimental to the health, safety, morals, and general welfare of the area.

Allowable uses may be permitted, enlarged, or altered upon application for a conditional use permit in accordance with the rules and procedures of this ordinance. The City Council may grant or deny a conditional use permit in accordance with the intent and purpose of this ordinance.

In granting a conditional use permit, the City Council may:

1. Authorize the use and
2. Shall prescribe and impose appropriate conditions, safeguards, and a specified time limit for the implementation of the identified conditional use permit.

Section 6.02 Application for Conditional Use Permit

A request for a conditional use permit or modification of a conditional use permit may be initiated by a property owner or his or her authorized agent by filing an application with the City upon forms prescribed for the purpose.

The application shall be accompanied by a drawing or site plan and other such plans and data showing the dimensions, arrangements, descriptions data, and other materials constituting a record essential to an understanding of the proposed use and proposed modifications in relation to the provisions set forth herein. A plan as to the operation and maintenance of the proposed use shall also be submitted.

The application shall be accompanied with a non-refundable fee as established by the City Council.

Section 6.03 Public Hearing

Before issuance of any conditional use permit, both the Planning Commission and City Council shall hold a Public Hearing after proper and legal notice of the time, place, and purpose of the hearing has been given by publication in a legal paper of general circulation in the City of Genoa, one time at least 10 days prior to such hearing.

The City Council will consider the application for the Conditional Use Permit together with the recommendations of the Planning Commission.

Section 6.04 Decisions

A majority vote of the City Council shall be necessary to grant a Conditional Use Permit.

The applicant shall have 12 months from the approval of the Conditional Use Permit to commence the use, unless the City Council specifically grants a longer period of time upon the recommendation of the City Planning Commission. If the use stated within the Conditional Use Permit has not been commenced within 12 months, or approved time period, said Permit shall become invalid and any activity shall be required to apply for a new Conditional Use Permit.

All decisions by the City Council and the recommendations of the Planning Commission shall be required to provide findings of fact for their decision for either approval or denial.

Section 6.05 Transferability

Any approved Conditional Use Permit is automatically transferable upon sale of the property from the original applicant to another party. However, the new owner shall assume the responsibility for complying with:

1. the conditions of the granted permit,
2. The use shall not change or be expanded unless a new Conditional Use Permit is approved,
3. Failure to comply with the conditions of the permit shall subject the new owner to the revocation process of this Article.

Section 6.06 Revocation

Any approved Conditional Use Permit may be revoked for failure to comply with the conditions approved by the City Council. Revocation shall require that the City notify the applicant of any noncompliance, in writing, and provide the applicant 30 days to correct the issue(s).

Failure to comply with the notice shall cause a Public Hearing to be schedule by the City Council, to review the permit and the approved conditions and the failure to act by the applicant. If the applicant is found to be noncompliant with the issued permit and conditions, the City Council shall revoke the permit and order the use to cease and desist.

Failure to follow a Cease and Desist order shall cause action to be filed by the City Attorney in District Court.

Revocation may also occur, if the City documents that the use has ceased operations for 12 consecutive months. The City shall notify the applicant of the revocation in writing. The permit shall become invalid within 30 days.

Section 6.07 Standards

No conditional use permit shall be granted unless the Planning Commission or City Council has found:

1. That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, moral, comfort, or general welfare of the community.
2. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood.
3. That the establishment of the conditional use will not impede the normal and orderly development of the surrounding property for uses permitted in the district.
4. That adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided.
5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
6. The use shall not include noise, which is objectionable due to volume, frequency, or beat unless muffled or otherwise controlled.
7. The use shall not involve any pollution of the air by fly-ash, dust, vapors or other substance which is harmful to health, animals, vegetation or other property or which can cause soiling, discomfort, or irritation.
8. The use shall not involve any malodorous gas or matter, which is discernible on any adjoining lot or property.
9. The use shall not involve any direct or reflected glare, which is visible from any adjoining property or from any Public Street, road, or highway.
10. The use shall not involve any activity substantially increasing the movement of traffic on public streets unless procedures are instituted to limit traffic hazards and congestion.
11. The use shall not involve any activity substantially increasing the burden on any public utilities or facilities unless provisions are made for any necessary adjustments.

ARTICLE 7: PARKING REQUIREMENTS

Section 7.01 Off-Street Automobile Storage

7.01.01 Off-street automobile storage or standing space shall be provided on any lot on which any of the uses or similar uses found in Section 7.02.

7.01.02 Off-street automobile storage or standing space shall be provided with vehicular access to a street or an alley.

7.01.03 For purposes of computing the number of parking spaces available in a given area, the ratio of 250 square feet per parking space shall be used. Where calculations in accordance with the foregoing list results in requiring a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space.

7.01.04 All parking spaces for single-family, two-family, and multi-family dwellings, rooming and boarding houses, convalescent homes, and mobile homes shall be either gravel or paved with asphalt or concrete.

7.01.05 In Districts R-1, R-2, and R-3 required off-street parking for residential uses shall be provided on the lot on which the use is located. In all other Districts, if the vehicle storage space or standing space required in section 7.02 cannot be reasonably provided on the same lot on which the principal use is conducted in the opinion of the Planning Commission and City Council, the City Council may permit such space to be provided on another off-street property, provided such space lies within 400 feet of an entrance to such principal use. Such vehicle standing space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.

7.01.06 Where off-street parking is located on a lot other than the lot occupied by the use, which requires it, site plan approval for both lots is required.

7.01.07 Some uses may require two different use types to be calculated together in order to determine the total parking requirement, i.e. primary schools may require one a calculation for classrooms and another for assembly areas.

7.01.08 The parking requirements herein do not apply to the C-1 Downtown Commercial District.

7.01.09 All off-street parking conditions shall meet the ADA requirements in Section 7.04 of this Ordinance.

Section 7.02 Schedule of Minimum Off-Street Parking and Loading Requirements

Uses	Parking Requirements	Loading Requirements
Adult entertainment establishments	1 space per 2 persons of licensed capacity	None required
Auditoriums/Stadiums and arenas	1 space per 4 seats in main assembly area	None required
Bowling Alleys	4 spaces per alley plus 1 space per 2 employees	One space per establishment
Churches, Synagogues, and Temples	1 space per 4 seats in main worship area	None required
Clubs, including fraternal organizations	1 space per 500 s.f. of gross floor area	None required
Commercial Uses		
Agricultural Sales / Service	1 space per 500 s.f. of gross floor area	One per establishment
Automotive Rental / Sales	1 space per 500 s.f. of gross floor area	One per establishment
Automotive Servicing	3 spaces per repair stall	None required
Body Repair	4 spaces per repair stall	None required
Equipment Rental / Sales	1 space per 500 s.f. of gross floor area	One Space
Campground	1 space per camping unit	None required
Commercial Recreation	1 space per 4r persons of licensed capacity	One per establishment
Communication Services	1 space per 500 s.f. of gross floor area	One per establishment
Construction Sales / Service	1 space per 500 s.f. of gross floor area	One per establishment
Food Sales (limited)	1 space per 300 s.f. of gross floor area	One per establishment
Food Sales (general)	1space per 200 s.f. of gross floor area	Two per establishment
General Retail Sales establishments	1 space per 200 s.f. of gross floor area	One per establishment
Laundry Services	1 space per 200 s.f. of gross floor area	None required
Restaurants w/ drive-thru	Greater of the two: 1 space per 40 s.f. of dining area, or 1 space per 150 s.f. of gross floor area	One per establishment
Restaurants (General)	Parking equal to 30% of licensed capacity	Two spaces per establishment
Convalescent and Nursing Home Services	1 space per 2 beds plus 1 per employee on the largest shift	Two space per structure
Dance Hall, skating rink	1 space per 100 square feet of floor area plus 1 space per 2 employees	
Day Care	1 space per employee plus 1 space or loading stall per each 10 persons of licensed capacity	None required
Educational Uses, Primary facilities	2 spaces per classroom	Two spaces per structure
Educational Uses, Secondary facilities	8 spaces per classroom plus 1 space per employee on largest shift	Two spaces per structure
Funeral Homes, Mortuaries and Chapels	8 spaces per reposing room	Two spaces per establishment
Group Care Facility	1 space per 4 persons of licensed capacity	Two space per structure
Group Home	1 space per 4 persons of licensed capacity	Two space per structure
Guidance Services	1 space per 300 s.f. of gross floor area	None required
Hospitals	One space per two licensed beds	Three spaces per structure
Hotels and Motels	1 space per rental unit plus 1 space per 2 employees	One space per establishment
Housing (Congregate)		
Assisted-living facilities	1 space per dwelling unit plus 1 space per employee on the largest shift	One per structure
Duplex	2 spaces per dwelling unit	None required
Multi-family / Apartments	1 space per sleeping unit – spaces to be sited in the general proximity of where the sleeping units are located	None required
Industrial Uses	.75 times the maximum number of employees during the largest shift	Two spaces per establishment
Libraries	1 space per 400 s.f. of gross floor area plus 1 space per 2 employees	One per structure
Boarding Houses / Bed and Breakfasts	1 space per rental units	None required
Medical Clinics	5 spaces per staff doctor, dentist, chiropractor	None required
Mobile Home Park	2 per dwelling unit	None required
Offices and Office Buildings	1 space per 200 s.f. of gross floor area plus 1 space per 2 employees	None required
Residential (Single-family, attached and detached)	2 spaces per dwelling unit and 1 may be enclosed or semi-enclosed	None required
Roadside stands	4 spaces per establishment	None required
Service Oriented Establishments	1 space per 200 s.f. of gross floor area	One per establishment
Theaters, Auditoriums, and Places of Assembly	1 space per 5 persons of licensed capacity	One space per establishment
Veterinary Establishments	1 spaces per staff doctor	None required
Wholesaling / Distribution Operations	1 space per 2 employees on the largest shift	Two spaces per establishment

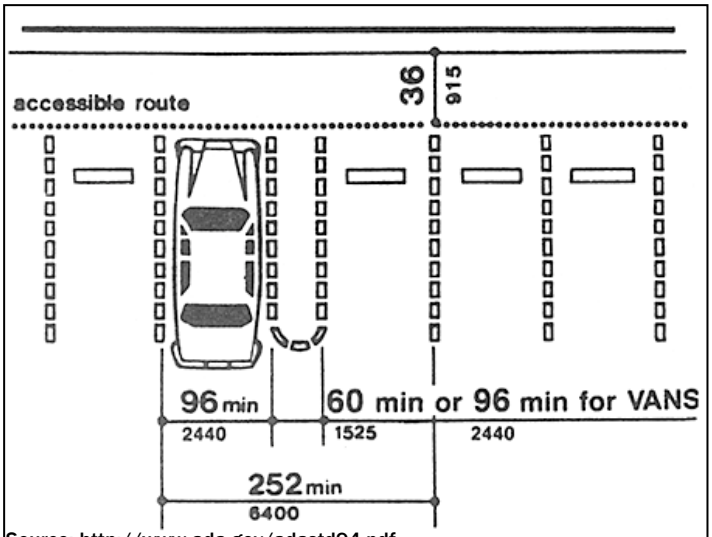
Section 7.03 Off-Street Parking: Shared Parking Requirements

7.03.01 Notwithstanding the provisions of Section 7.02, in cases where parking and building patterns are such that overlapping uses of a majority of the total number of parking spaces in a common parking lot is likely to occur, compliance with the standard parking ratios may be decreased by the Planning Commission and City Council.

Section 7.04 Off-Street Parking: Parking for Individuals with Disabilities

7.04.01 In conformance with the Americans with Disabilities Act (ADA) and the Nebraska Accessibility Guidelines, if parking spaces are provided for self-parking by employees or visitors, or both, then accessible spaces shall be provided in each parking area in conformance with the table in this section. Spaces required by the table need not be provided in the particular lot. They may be provided in a different, if equivalent or greater accessibility, in terms of distance from an accessible entrance, cost and convenience, is ensured.

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



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7.04.02 Access aisles adjacent to accessible spaces shall be 60 inches wide at a minimum.

1. One in every eight accessible spaces, but not less than one, shall be served by an access aisle 96 inches wide minimum and shall be designated "van accessible" as required by Section 7.04.04 of this Ordinance. The vertical clearance at such spaces shall comply with 7.04.05 of this Ordinance. All such spaces may be grouped on one level of a parking structure.
2. Parking access aisles shall be part of an accessible route to the building or facility entrance. Two accessible parking spaces may share a common access aisle.
3. Parked vehicle overhangs shall not reduce the clear width of an accessible route.
4. Parking spaces and access aisles shall be level with slopes not exceeding two percent in all directions.
5. If passenger-loading zones are provided, then at least one passenger loading zone shall comply with 7.04.06 of this Ordinance.
6. At facilities providing medical care and other services for persons with mobility impairments, parking spaces complying with 7.04 of this Ordinance shall be provided in accordance with 7.04.01 of this Ordinance; except as follows:
   a Outpatient units and facilities: 10 percent of the total number of parking spaces provided serving each such outpatient unit or facility;
   b Units and facilities that specialize in treatment or services for persons with mobility impairments: 20 percent of the total number of parking spaces provided serving each such unit or facility.
7. Valet parking: valet parking facilities shall provide a passenger loading zone complying with 7.04.06 of this Ordinance located on an accessible route to the entrance of the facility. Sections 7.04.01, 7.04.02 (1), and 7.04.02 (3) of this Ordinance do not apply to valet parking.

7.04.03 Location of accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance.

1. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility.
2. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closet to the accessible entrances.

7.04.04. Signage of accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility. Spaces complying with Section 7.04.02 (1) shall have an additional sign

stating the stall is "Van Accessible" mounted below the symbol of accessibility. Such signs shall be located so they cannot be obscured by a vehicle parked in the space.

7.04.05. Minimum vertical clearance of 114 inches at accessible passenger loading zones and along at least one vehicle access route to such areas from site entrance(s) and exit(s). At parking spaces complying with 7.04.02 (1), provide minimum vertical clearance of 98 inches at the parking space and along at least one vehicle access route to such spaces from site entrance(s) and exit(s).

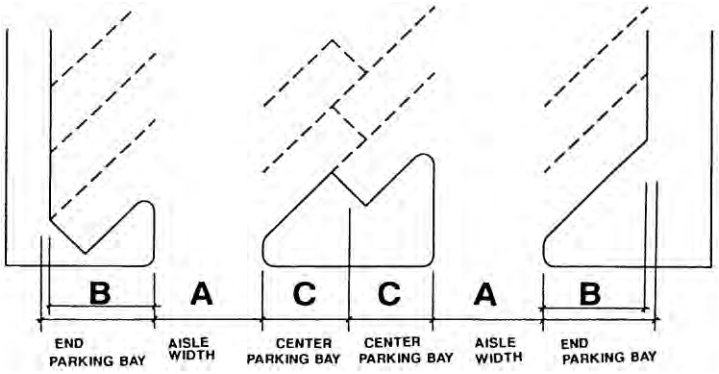
7.04.06. Passenger Loading Zones shall provide an access aisle at least 60 inches wide and 240 inches long adjacent and parallel to the vehicle pull-up space. If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp complying with accessibility standards shall be provided. Vehicle standing spaces and access aisles shall be level with surface slopes not exceeding two percent in all directions.

Section 7.05 Off-Street Parking Design Criteria

7.05.01 Standard parking stall dimensions shall not be less than 10 feet by 18 feet, plus the necessary space for maneuvering into and out of the space. Where the end of the parking space abuts a curbed area at least five feet in width (with landscaping or sidewalk), an overhang may be permitted which would reduce the length of the parking space by two feet. Such overhang shall be measured from the face of the curb. For standard parking lots, minimum dimensions shall be as follows:

Parking Configuration

	90-degree	60-degree	45-degree
Aisle Width (A)			
One-way traffic	—	18 feet	14 feet
Two-way traffic	24 feet	20 feet	20 feet
End Parking Bay Width (B)			
Without overhang	18 feet	20 feet	19 feet
With overhang	16 feet	18 feet	17 feet
Center Parking Bay Width (C)	18 feet	18 feet	16 feet



7.05.02 Minimum dimensions for a parallel parking space shall be nine feet by 23 feet.

7.05.03 Minimum parking dimensions for other configurations or for parking lots with compact car spaces shall be determined by the Planning Commission and City Council upon recommendation of the City Engineer

ARTICLE 8: SIGN REGULATIONS

Section 8.01 Compliance with Sign Regulations

All signs constructed, erected, modified or moved after the effective date of this Ordinance shall comply with the regulations herein, unless expressly exempted.

Section 8.02 Sign Area Computation

8.02.01 *Computation of Area of Individual Signs*

The area of a sign face shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning regulations and is clearly identical to the display itself.

8.02.02 *Computation of Area of Multi-faced Signs*

The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces.

8.02.03 *Computation of Height*

The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the lot, parcel, or tract of land, whichever is lower. When a sign is placed on a berm, the height of the sign shall include the height of the berm above grade level at the base of the berm.

Section 8.03 Sign Schedules

8.03.01 Signs shall be permitted in the various districts according to the following schedule:

	Zoning Districts										
	TA	R-1	R-2	R-3	R-M	R-4	C-1	C-2	C-3	FS	I-1
Animated	-	-	-	-	-	-	-	C	C	C	C
Announcement	+	+	+	+	+	+	+	+	+	+	+
Architectural Canopy	+	-	-	-	-	-	+	+	+	+	+
Banner	+	-	-	-	-	-	+	+	+	+	+
Changeable Copy	+	-	-	-	-	-	+	+	+	+	+
Destination	+	+	+	+	+	+	+	+	+	+	+
Electronic Message Board	+	-	-	-	-	-	+	+	+	+	+
Flashing	-	-	-	-	-	-	-	-	-	-	-
Freestanding	T	T	T	T	T	T	T	T	T	T	T
Ground	C	C	C	C	C	C	+	+	+	+	+
Illuminated	C	-	-	-	-	-	+	+	+	+	+
Incidental	+	+	+	+	+	+	+	+	+	+	+
Marquee	-	-	-	-	-	-	+	+	+	+	+
Nameplate	C	+	+	+	+	+	+	+	+	+	+
Off-Premises (Billboard)	-	-	-	-	-	-	-	-	-	-	-
On-Premises (Billboard)	+	-	-	-	-	-	+	+	+	+	+
Pennant	+	-	-	-	-	-	+	+	+	+	+

	Zoning Districts										
	TA	R-1	R-2	R-3	R-M	R-4	C-1	C-2	C-3	FS	I-1
Pole	-	-	-	-	-	-	C	C	C	C	C
Projecting	+	-	-	-	-	+	+	+	+	+	+
Portable	T	T	T	T	T	T	T	T	T	T	T
Real Estate	+	+	+	+	+	+	+	+	+	+	+
Roof	+	-	-	-	-	-	+	+	+	+	+
Roof-Integrated	+	-	-	-	-	-	+	+	+	+	+
Subdivision	C	C	C	C	C	C	C	C	C	C	C
Suspended	+	-	-	-	-	-	+	+	+	+	+
Temporary	T	T	T	T	T	T	T	T	T	T	T
Wall	+	-	-	-	-	-	+	+	+	+	+
Window	+	-	-	-	-	-	+	+	+	+	+

+: permitted -: not permitted C: Conditional Use T: Temporary

8.03.02 Signs shall be permitted in the various districts at the listed square footage and heights according to the following schedule:

	Zoning District										
	TA	R-1	R-2	R-3	R-M	R-4	C-1	C-2	C-3	FS	I-1
Advertising											
Max. Square Ft.	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Max. Height Ft.											
Max. Number											
Animated											
Max. Square Ft.	-	-	-	-	-	-	-	200	200	200	200
Max. Height Ft.	-	-	-	-	-	-	-	45	45	45	45
Max. Number	-	-	-	-	-	-	-	1	1	1	1
Announcement											
Max. Square Ft.	32	6	6	6	6	6	32	32	32	32	32
Max. Height Ft.	4	4	4	4	4	4	4	4	4	4	4
Max. Number	1	1	1	1	1	1	1	1	1	1	1
Architectural Canopy											
Max. Square Ft.	250	-	-	-	-	-	250	250	250	250	250
Max. Height Ft.	45	-	-	-	-	-	45	45	45	45	45
Max. Number	1[7]	-	-	-	-	-	1[7]	1[7]	1[7]	1[7]	1[7]
Banner											
Max. Square Ft.	32	-	-	-	-	-	32	32	32	32	32
Max. Height Ft.	NA	-	-	-	-	-	NA	NA	NA	NA	NA
Max. Number	NA	-	-	-	-	-	NA	NA	NA	NA	NA
Changeable Copy											
Max. Square Ft.	32	-	-	-	-	-	32	32	32	32	32
Max. Height Ft.	NA	-	-	-	-	-	NA	NA	NA	NA	NA
Max. Number	NA	-	-	-	-	-	NA	NA	NA	NA	NA
Destination											
Max. Square Ft.	16	16	16	16	16	16	16	16	16	16	16
Max. Height Ft.	8	8	8	8	8	8	8	8	8	8	8
Max. Number	1	1	1	1	1	1	1	1	1	1	1
Electronic Message Board											
Max. Square Ft.	100	-	-	-	-	-	100	100	100	100	100
Max. Height Ft.	20	-	-	-	-	-	20	20	20	20	20
Max. Number	1	-	-	-	-	-	1	1	1	1	1
Flashing											
Max. Square Ft.	-	-	-	-	-	-	-	-	-	-	-
Max. Height Ft.	-	-	-	-	-	-	-	-	-	-	-
Max. Number	-	-	-	-	-	-	-	-	-	-	-
Freestanding											
Max. Square Ft.	32	32	32	32	32	32	32	32	32	32	32
Max. Height Ft.	4	4	4	4	4	4	4	4	4	4	4
Max. Number	1	1	1	1	1	1	1	1	1	1	1
Ground											
Max. Square Ft.	50	-	-	-	-	-	32[2]	32[2]	50[3]	50[3]	50[3]
Max. Height Ft.	10	-	-	-	-	-	10	10	10	10	10
Max. Number	1	-	-	-	-	-	1	1	1	1	1
Illuminated											
Max. Square Ft.	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Max. Height Ft.											
Max. Number											

	Zoning District										
	TA	R-1	R-2	R-3	R-M		C-1	C-2	C-3	FS	I-1
Incidental											
Max. Square Ft.	25 each	-	-	-	-	-	25 each	25 each	25 each	25 each	25 each
Max. Height Ft.	45	-	-	-	-	-	45	45	45	45	45
Max. Number	1/40*	-	-	-	-	-	1/40[6]	1/40[6]	1/40[6]	1/40[6]	1/40[6]
Marquee											
Max. Square Ft.	-	-	-	-	-	-	250	250	250	250	250
Max. Height Ft.	-	-	-	-	-	-	45	45	45	45	45
Max. Number	-	-	-	-	-	-	1	1	1	1	1
Nameplate											
Max. Square Ft.	2	2	2	2	2	2	2	2	2	2	2
Max. Height Ft.	-	-	-	-	-	-	-	-	-	-	-
Max. Number	1	1	1	1	1	1	1	1	1	1	1
Off-Premises											
Max. Square Ft.	640	-	-	-	-	-	-	-	-	-	-
Max. Height Ft.	100	-	-	-	-	-	-	-	-	-	-
Max. Number	1	-	-	-	-	-	-	-	-	-	-
On-Premises											
Max. Square Ft.	640	-	-	-	-	-	320	320	320	320	320
Max. Height Ft.	30	-	-	-	-	-	30	30	30	30	30
Max. Number	1	-	-	-	-	-	1	1	1	1	1
Pennant											
Max. Square Ft.	32	-	-	-	-	-	32	32	32	32	32
Max. Height Ft.	NA	-	-	-	-	-	NA	NA	NA	NA	NA
Max. Number	NA	-	-	-	-	-	NA	NA	NA	NA	NA
Pole											
Max. Square Ft.	-	-	-	-	-	-	100[4]	100[4]	200[4]	200[4]	200[4]
Max. Height Ft.	-	-	-	-	-	-	40	40	40	40	40
Max. Number	-	-	-	-	-	-	1	1	1	1	1
Projecting											
Max. Square Ft.	16	-	-	-	-	-	16	16	16	16	16
Max. Height Ft.	45	-	-	-	-	-	45	45	45	45	45
Max. Number	1	-	-	-	-	-	1	1	1	1	1
Portable											
Max. Square Ft.	32	32	32	32	32	32	32	32	32	32	32
Max. Height Ft.	4	4	4	4	4	4	4	4	4	4	4
Max. Number	1	1	1	1	1	1	1	1	1	1	1
Real Estate											
Max. Square Ft.	32	6	6	6	6	6	32	32	32	32	32
Max. Height Ft.	4	-	-	-	-	-	4	4	4	4	4
Max. Number	2	1	1	1	1	1	1	1	1	1	1
Roof											
Max. Square Ft.	250	-	-	-	-	-	250	250	250	250	250
Max. Height Ft.	45	-	-	-	-	-	45	45	45	45	45
Max. Number	1	-	-	-	-	-	1	1	1	1	1
Roof-Integrated											
Max. Square Ft.	250	-	-	-	-	-	250	250	250	250	250
Max. Height Ft.	45	-	-	-	-	-	45	45	45	45	45
Max. Number	1	-	-	-	-	-	1	1	1	1	1
Subdivision											
Max. Square Ft.	500	500	500	500	500	500	500	500	500	500	500
Max. Height Ft.	35	35	35	35	35	35	35	35	35	35	35
Max. Number	1	1	1	1	1	1	1	1	1	1	1
Max. Lot area s.f.	5,000	5,000	5,000	5000	5,000	5000	5,000	5,000	5,000	5,000	5,000
Suspended											
Max. Square Ft.	20	-	-	-	-	-	20	20	20	20	20
Max. Height Ft.	10	-	-	-	-	-	10	10	10	10	10
Max. Number	1	-	-	-	-	-	1	1	1	1	1
Temporary											
Max. Square Ft.	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Max. Height Ft.											
Max. Number											
Wall											
Max. Square Ft.	200[1]	-	-	-	-	-	200[1]	200[1]	200[1]	200[1]	200[1]
Max. Height Ft.	15	-	-	-	-	-	45	45	45	45	45
Max. Number	1	-	-	-	-	-	1	1	1	1	1
Window											
Max. Square Ft.	200[1]	-	-	-	-	-	200[1]	200[1]	200[1]	200[1]	200[1]
Max. Height Ft.	15	-	-	-	-	-	15	15	15	15	15
Max. Number	1	-	-	-	-	-	1	1	1	1	1

[1] Wall/Window signs shall not exceed 10 percent of the total wall area or the number indicated whichever is greater.

[2] Ground signs may be increased from 32 square feet in area to 50 square feet in area when all uses/storefronts within a development are included on one sign as opposed to each having an individual ground sign for every use/storefront.

[3] Ground signs may be increased from 50 square feet in area to 75 square feet in area when all uses/storefronts within a development are included on one sign as opposed to each having an individual ground sign for every use/storefront.

[4] Pole signs may be increased from 100 square feet in area to 150 square feet in area when all uses/storefronts within a development are included on one sign as opposed to each having an individual pole sign for every use/storefront.

[5] Pole signs may be increased from 200 square feet in area to 300 square feet in area when all uses/storefronts within a development are included on one sign as opposed to each having an individual pole sign for every use/storefront.

[6] One Incidental sign per 40 lineal feet of storefront

[7] One Canopy per window – canopy shall meet all minimum height requirements for accessibility.

NA = Not Applicable – Refer to specific structural sign types

8.03.03 A building or use having frontage on a second street may install a sign on the second street side no greater in size than 20 percent of the total allowed on one facade.

Section 8.04 Signs, Special Conditions

8.04.01 *Real Estate Signs.* Not more than two signs per lot may be used as a temporary sign. Signs in the TA District shall be set back 20 feet from the road right-of-way or road easement.

8.04.02 *Billboard Signs.* Billboards, signboards, and other similar advertising signs shall be subject to the same height and location requirements as other structures in the district and shall also be subject to the following conditions and restrictions.

1. No billboard, signboard, or similar advertising signs shall be located at intersections so as to obstruct vision, hearing, or interfere with pedestrian or vehicular safety.
2. No billboard, signboard, or similar advertising signs shall be located within 50 feet of any lot in a residential district.
3. No billboard, signboard, or similar advertising signs shall be so constructed or located where it will unreasonably interfere with the use and enjoyment of adjoining property.

8.04.03 *Stand-alone ATM's may have the following:*

1. One wall sign on each exterior wall provided each wall sign does not exceed 10 percent of the applicable exterior wall and the total shall not exceed 40 square feet in size.
2. Where a canopy is integrated into the ATM, a canopy sign may be placed on each face of the ATM, provided the overall height of the canopy and sign do not exceed 24 inches. In addition, the overall size of all canopy signs shall not exceed 40 square feet.
3. Directional signage shall be contained on the ATM, painted within a drive lane or in any curbing defining a drive lane.
4. All signs are subject to the required permitting process of these Regulations.
5. Said signage may be incorporated with lighting plan and backlit in order to provide for greater security on the premises.

8.04.04 Coffee Kiosks and other Kiosks may have the following:

1. One wall sign on each exterior wall not used for drive-up service, provided each wall sign does not exceed 10 percent of the applicable exterior wall and the total shall not exceed 40 square feet in size.
2. Where a canopy is integrated into the Coffee Kiosks / Kiosks, a canopy sign may be placed on each face of the Coffee Kiosk / Kiosks, provided the overall height of the canopy and sign do not exceed 24 inches. In addition, the overall size of all canopy signs shall not exceed 40 square feet.
3. Directional signage shall be contained on the Coffee Kiosk /Kiosk, painted within a drive lane or in any curbing defining a drive lane
4. Window signs limited to menu boards and daily specials shall not require a sign permit.
5. All signs are subject to the required permitting process of these Regulations, unless otherwise noted.

8.04.05 Signs hung from canopies and awnings shall maintain 80 inches of clear space, as measured from the bottom edge of the sign to the grade below.

8.04.06 *Temporary Signs*

Temporary signs for which a permit has been issued shall be issued only for signs meeting the following criteria:

1. No temporary sign shall be of such size, message, or character so to harm the public, health, safety or general welfare.
2. Temporary signs may be for a continual period that has a limited amount of time not to exceed 10 days except that Real Estate signs may be in place until the property sale is finalized.
3. Temporary signs may be allowed in a manner where they are put in place during certain periods of time (set up in the morning and taken down in the evening) without a specific end date to the permit and these signs may advertise an off-premises business and / or organization.
4. Real Estate signs shall be on the property being advertised unless there is an "Open House" Real Estate sign located elsewhere for not more than two days.

8.04.07 *Emergency Signs (Permitted)*

Emergency warning signs erected by a governmental agency, public utility company, or a contractor doing authorized or permitted work within the public right-of-way.

8.04.08 *Other Signs Forfeited*

Any sign installed or placed on public property, except in conformance with the requirements of this section, shall be forfeited to the public and subject to confiscation. In addition, to other remedies hereunder, the city shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.

8.04.09 *Signs Exempt from Regulation Under this Ordinance*

The following signs shall be exempt from regulation under this ordinance, except no sign in this provision shall create an obstruction to vision, as per Section 4.08 of this Ordinance and / or a collision hazard to the public:

- Any public notice or warning required by a valid and applicable federal, state, or local law, regulation or ordinance;
- Any religious symbol;
- Construction signs when equal to six square feet or less;
- Any sign identifying a public facility or public / civic event;
- Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three feet beyond the lot line of the zone lot or parcel on which such sign is located
- Holiday lights and decorations with no commercial message;
- Traffic control signs on private property, such as Stop, Yield, and similar signs, the face of which meets the Manual on Uniform Traffic Control Devices standards and which contain no commercial message of any sort; and
- A political sign exhibited in a residential zone in conjunction with the election of political candidates. Such signs may not exceed six square feet in any zone. Only four political signs shall be allowed per zone lot at any one time. All such political signs shall not be erected more than 30 days before the election and shall be removed no later than 10 days after the election. Political signs shall not create an obstruction within the R.O.W.

8.04.10 *Signs Prohibited Under These Regulations*

All signs not expressly permitted in these regulations or exempt from regulation hereunder in accordance with the previous section are prohibited in the city. Such signs include, but are not limited to:

1. Beacons;
2. Marquee signs;
3. Roof signs;
4. Suspended signs;
5. Strings of lights not permanently mounted to a rigid background, except those exempt under the previous section; and
6. Audible Signs

ARTICLE 9: SUPPLEMENTAL REGULATIONS

Section 9.01 Home Occupations and Home Based Businesses in Residential Districts

9.01.01 Intent: A home occupation or home based business shall be permitted when said occupation or business is conducted on residentially used and/or zoned property and is considered customary, traditional, and incidental to the primary use of the premises as a residence, and shall not be construed as a business.

9.01.02 Procedure:

1. Home Occupations: An application for a home occupation, within residentially zoned areas shall be made to the Genoa Zoning Administrator on a form provided. Said application shall be approved, provided the performance criteria are met.
2. Home Based Businesses: An application for a home based business, within residentially zoned areas shall be made to the Genoa Zoning Administrator on a form provided. Said application shall be approved, provided the performance criteria are met.

9.01.03 Permitted home occupations:

1. Workrooms for dressmaking, millinery, sewing, weaving, tailoring, ironing, washing, jewelry making, custom home furnishings work, carpentry work, and furniture repair.
2. Offices for professionals such as, but not limited to, attorneys, architects, engineers, planners, real estate agents, insurance, notary public, manufacturer's representative, clergy, journalists, painters, photographers, dentists, doctors, draftspersons, insurance agents, accountants, editors, publishers, psychologists, contract management, graphic design, construction contractors, landscape design, surveyors, cleaning services, salespersons, and travel agents.
3. Child Nurseries or Child Care
4. Personal services, including Barber and Beauty Shops (limited to one chair), manicure and pedicure shops, pet grooming, catering, and chauffeuring services.
5. Instructional services, including music, dance, art and craft classes and tutoring.
6. Repair services, including watch and clock, small appliances, computers, electronic devices, lawnmowers including engines (limited to garage areas).
7. Distribution and sales of products such as cosmetics, home/health care products, mail order, and other similar uses.
8. Offices for services provided outside the home such as lawn care, snow removal, and other similar uses.
9. Kennels, stables, veterinarian clinics/hospitals.

9.01.04 Prohibited home occupations:

1. Medical and dental clinics, hospitals.
2. Restaurants, clubs, drinking establishments.
3. Motor vehicle / small engine repair.
4. Adult Entertainment Uses

9.01.05 Performance Standards for Home Occupations:

1. The primary use of the structure or dwelling unit shall remain residential and the operator of the home occupation shall remain a resident in the dwelling unit.
2. The operator conducting the home occupation shall be the sole entrepreneur, and the operator shall not employ any other person other than a member of the immediate family residing on the premises.
3. No structural additions, enlargements, or exterior alterations changing the residential appearance to a business appearance shall be permitted.
4. No more than 25 percent of the floor area of any one story of the dwelling unit shall be devoted to such home occupation.
5. Such home occupations shall be conducted entirely within the primary building or dwelling unit used as a residence.
6. Additional and/or separate entrance(s) that do not match the residential structural design shall not be constructed for the purpose of conducting the home occupation or home based business.
7. Additional off-street parking or loading facilities, including additional driveway construction, other than the requirements for the permitted residence, shall be permitted.
8. The display of goods and/or external evidence of the home occupation shall not be permitted, except for one non-animated, non-illuminated, non-flashing announcement plate, indicating not

more than the name and address of the resident. Said plate shall be attached flat against the wall of the residence and shall not exceed two sq. ft. in total surface area.

9. No retail sales are permitted from the site other than incidental sales related to services provided.
10. No offensive noise, vibration, smoke, odor, heat, or glare shall be noticeable at or beyond the property line.
11. No electrical or mechanical equipment shall interfere with local radio communications and television reception, or cause fluctuation in line voltage off the premises.
12. All businesses related to Child Care Homes and Child Care Centers shall be in accordance with Nebraska State Statutes.

9.01.06 Permitted home based businesses:

1. Workrooms for custom home furnishings work, carpentry work, and furniture repair.
2. Offices for professionals such as, but not limited to, attorneys, architects, engineers, planners, real estate agents, insurance, notary public, manufacturer's representative, clergy, journalists, painters, photographers, draftspersons, insurance agents, accountants, editors, publishers, psychologists, contract management, graphic design, construction contractors, landscape design, surveyors, cleaning services, salespersons, and travel agents.
3. Personal services, including Barber and Beauty Shops (limited to two chairs), manicure and pedicure shops, pet grooming, catering, and chauffeuring services.
4. Repair services, including watch and clock, small appliances, computers, electronic devices, lawnmowers including engines (limited to garage areas).
5. Distribution and sales of products such as cosmetics, home/health care products, mail order, and other similar uses.
6. Offices for services provided outside the home such as lawn care, snow removal, and other similar uses.
7. Child Nurseries or Child Care
8. Kennels, stables, veterinarian clinics/hospitals.

9.01.07 Prohibited home based businesses:

1. Medical and dental clinics, hospitals.
2. Restaurants, clubs, drinking establishments.
3. Motor vehicle / small engine repair.
4. Adult Entertainment Uses

9.01.08 Performance Standards for Home Based Businesses:

1. The primary use of the structure or dwelling unit shall remain residential and the operator of the home based business shall remain a resident in the dwelling unit.
2. The operator conducting the home based business shall be the sole entrepreneur. However, the operator may employ immediate family members residing on the premises, as well as, an additional two unrelated individuals for purposes of conducting business.
3. Structural additions, enlargements, or exterior alterations may be completed in order to provide space for the home based business. Any alterations and additions are limited to a one time expansion and shall be limited to 25 percent of the floor area of the main floor at the time of application. All alterations and additions shall meet all building and zoning criteria of Genoa.
4. No more than 25 percent of the floor area of any one story of the dwelling unit shall be devoted to such home based business.
5. Such home based business shall be conducted entirely within the primary building or dwelling unit used as a residence. Home based businesses may also be located with an existing Accessory Building.
6. Home based businesses conducted within an Accessory Building shall be confined to the structure of the said Accessory Building. In addition, the applicant must prove that the Accessory Building meets all Life Safety Codes including electrical compliance for a commercial business.
7. All alterations and additions shall be completed in a manner that matches the existing structure and shall have a residential appearance to the exterior. All separate entrance(s) shall be discrete and match the residential design.
8. Additional off-street parking or loading facilities, beyond the parking provided for the residence, shall be provided and shall meet the following standards:

a. Two additional spaces for the unrelated employees;
b. Two additional spaces to be used for client/visitor parking;
c. The additional parking required in items (a) and (b) shall not be provided in any required Front, Side or Rear Yard setback;
d. All additional parking and loading spaces shall be screened using landscaping materials and opaque privacy fencing not more than six feet in height;
e. Applicant shall not relocate parking for the residence into any Front, Side or Rear Yard Setback in order to provide the additional parking.
f. All new off-street parking is encouraged to be toward the rear yard portion of the property and screened from view from the street.

9. The display of goods and/or external evidence of the home based business shall not be permitted, except for one non-animated, non-illuminated, non-flashing announcement plate, indicating not more than the name and address of the resident. Said plate shall be attached flat against the wall of the residence and shall not exceed two sq. ft. in total surface area.
10. No retail sales are permitted from the site other than incidental sales related to services provided.
11. No offensive noise, vibration, smoke, odor, heat, or glare shall be noticeable at or beyond the property line.
12. No electrical or mechanical equipment shall interfere with local radio communications and television reception, or cause fluctuation in line voltage off the premises.
13. All businesses related to Child Care Homes and Child Care Centers shall be in accordance with Nebraska State Statutes.

9.01.09 Revocation:

1. Conditions. A home occupation and home based business permit granted in accordance with the provisions of this section may be terminated if the Zoning Administrator makes any of the following findings:
   a. That any condition of the home occupation or home based business permit has been violated;
   b. That the use has become detrimental to the public health or safety or is deemed to constitute a nuisance;
   c. That the permit was obtained by misrepresentation or fraud;
   d. That the use for which the permit was granted has ceased or has been suspended for six consecutive months or more; and
   e. That the condition of the premises, or the district of which it is a part, has changed so that the use may no longer be justified under the purpose and intent of this section.
2. Appeal. Within five working days of a revocation, an appeal may be made to the Genoa Board of Adjustment. The Zoning Administrator within ten working days of the receipt of an appeal of his or her revocation shall report his or her findings of fact and decision to the Genoa Board of Adjustment. The Genoa Board of Adjustment shall determine the facts and may revoke, modify or allow to remain unchanged the home occupation or home based business permit in accordance with the Board's final determination.
3. Nontransferable. A home occupation or home based business permit granted in accordance with the provisions of this article shall not be transferred, assigned, nor used by any person other than the permittee, nor shall such permit authorize such home occupation at any location other than the one for which the permit is granted.

Section 9.02 Home Occupations and Home Based Businesses within the TA-1 Districts

9.02.01 Intent: A home occupation or home based business shall be permitted when said occupation or business is conducted on agriculturally used and/or zoned property and is considered customary, traditional, and incidental to the primary use of the premises as a residence, and shall not be construed as a business.

9.02.02 Procedure:

1. Home Occupations: An application for a home occupation, within agriculturally zoned areas shall be made to the Genoa Zoning Administrator on a form provided. Said application shall be approved, provided the performance criteria are met.
2. Home Based Businesses: An application for a home based business, within agriculturally zoned areas shall be made to the Genoa Zoning Administrator on a form provided. Said application shall be approved, provided the performance criteria are met.

9.02.03 Permitted home occupations:

1. Workrooms for dressmaking, millinery, sewing, weaving, tailoring, ironing, washing, jewelry making, custom home furnishings work, carpentry work, and furniture repair.
2. Offices for professionals such as, but not limited to, attorneys, architects, engineers, planners, real estate agents, insurance, notary public, manufacturer's representative, clergy, journalists, painters, photographers, dentists, doctors, draftspersons, insurance agents, accountants, editors, publishers, psychologists, contract management, graphic design, construction contractor services, landscape design, surveyors, cleaning services, salespersons, and travel agents.
3. Child Nurseries or Child Care.
4. Personal services, including Barber and Beauty Shops (limited to one chair), manicure and pedicure shops, pet grooming, catering, and chauffeuring services.
5. Instructional services, including music, dance, art and craft classes and tutoring.
6. Repair services, including watch and clock, small appliances, computers, electronic devices, lawnmowers including engines, and motor vehicles (limited to no more than two at one time).
7. Offices and shops in association to one another, including motorized and non-motorized racing vehicles, construction services with equipment storage and maintenance, monument sales and engraving, freight hauling with equipment storage and maintenance (not including warehousing of freight), aerial spraying with equipment storage and maintenance, welding, and excavating services with equipment storage and maintenance.
8. Warehousing and storage of products associated with agri-businesses, including seed sales, fertilizer sales (as allowed by state and federal regulations), and herbicide and pesticide sales (as allowed by state and federal regulations).
9. Distribution and sales of products such as cosmetics, home/health care products, mail order, and other similar uses.
10. Offices for services provided outside the home such as lawn care, snow removal, and other similar uses.

9.02.04 Prohibited home occupations:

1. Medical clinics and hospitals.
2. Restaurants, clubs, drinking establishments.
3. Undertaking and funeral parlors.
4. Adult Entertainment Uses

9.02.05 Performance Standards for Home Occupations:

1. The primary use of the structure or dwelling unit shall remain residential and the operator of the home occupation shall remain a resident in the dwelling unit.
2. The operator conducting the home occupation shall be the sole entrepreneur, and the operator shall not employ any other person other than a member of the immediate family residing on the premises.
3. No structural additions, enlargements, or exterior alterations changing the residential appearance to a business appearance shall be permitted.
4. No more than 25 percent of the floor area of any one story of the dwelling unit shall be devoted to such home occupation when contained within the principal structure.

5. Home occupations may be located within an accessory structure including machine sheds, barns, and garages. Said accessory structure shall be required to meet all pertinent State codes for Life Safety including electrical wiring depending upon the nature of the business.
6. When a home occupation is located in an accessory structure there shall not be any additional storage allowed in the open. All storage shall be contained within appropriate facilities and out of site.
7. Home occupations focused on repairs and maintenance of vehicles and motors shall not be allowed to storage damaged, unlicensed, salvaged, vehicles or parts on site and outside the structure where said home occupations are taking place.
8. When storage of chemicals associated with agricultural businesses are stored on site, the storage shall comply with all state and Federal regulations and shall be kept in a place that is secured, dry and locked from general access.
9. Additional and/or separate entrance(s) that do not match the residential structural design shall not be constructed for the purpose of conducting the home occupation or home based business.
10. Additional off-street parking or loading facilities, including additional driveway construction, other than the requirements for the permitted residence, shall be permitted.
11. The display of goods and/or external evidence of the home occupation shall not be permitted, except for one non-animated, non-illuminated, non-flashing announcement plate, indicating not more than the name and address of the resident. Said plate shall be attached flat against the wall of the residence and shall not exceed two sq. ft. in total surface area.
12. No offensive noise, vibration, smoke, odor, heat, or glare shall be noticeable at or beyond the property line.
13. No electrical or mechanical equipment shall interfere with local radio communications and television reception, or cause fluctuation in line voltage off the premises.
14. All businesses related to Child Care Homes and Child Care Centers shall be in accordance with Nebraska State Statutes.

9.02.06 Permitted home based businesses:

1. Workrooms for dressmaking, millinery, sewing, weaving, tailoring, ironing, washing, jewelry making, custom home furnishings work, carpentry work, and furniture repair.
2. Offices for professionals such as, but not limited to, attorneys, architects, engineers, planners, real estate agents, insurance, notary public, manufacturer's representative, clergy, journalists, painters, photographers, dentists, doctors, draftspersons, insurance agents, accountants, editors, publishers, psychologists, contract management, graphic design, construction contractor services, landscape design, surveyors, cleaning services, salespersons, and travel agents.
3. Child Nurseries or Child Care.
4. Personal services, including Barber and Beauty Shops (limited to one chair), manicure and pedicure shops, pet grooming, catering, and chauffeuring services.
5. Instructional services, including music, dance, art and craft classes and tutoring.
6. Repair services, including watch and clock, small appliances, computers, electronic devices, lawnmowers including engines, and motor vehicles (limited to no more than two at one time).
7. Offices and shops in association to one another, including motorized and non-motorized racing vehicles, construction services with equipment storage and maintenance, monument sales and engraving, freight hauling with equipment storage and maintenance (not including warehousing of freight), aerial spraying with equipment storage and maintenance, welding, and excavating services with equipment storage and maintenance.
8. Warehousing and storage of products associated with agri-businesses, including seed sales, fertilizer sales (as allowed by state and federal regulations), and herbicide and pesticide sales (as allowed by state and federal regulations).
9. Distribution and sales of products such as cosmetics, home/health care products, mail order, and other similar uses.
10. Offices for services provided outside the home such as lawn care, snow removal, and other similar uses.

9.02.07 Prohibited home based businesses:

1. Medical clinics and hospitals.
2. Restaurants, clubs, drinking establishments.

3. Undertaking and funeral parlors.
4. Adult Entertainment Uses

9.02.08 Performance Standards for Home Based Businesses:

1. The primary use of the structure or dwelling unit shall remain residential and the operator of the home based business shall remain a resident in the dwelling unit.
2. The operator conducting the home based business shall be the sole entrepreneur. However, the operator may employ immediate family members residing on the premises, as well as, an additional two unrelated individuals for purposes of conducting business.
3. Structural additions, enlargements, or exterior alterations may be completed in order to provide space for the home based business. Any alterations and additions are limited to a one time expansion and shall be limited to 25 percent of the floor area of the main floor at the time of application. All alterations and additions shall meet all building and zoning criteria of Genoa.
4. No more than 25 percent of the floor area of any one story of the dwelling unit shall be devoted to such home based business when contained within the principal structure.
5. Home based businesses may be located within an accessory structure including machine sheds, barns, and garages. Said accessory structure shall be required to meet all pertinent State codes for Life Safety including electrical wiring depending upon the nature of the business.
6. When a home based business is located in an accessory structure there shall not be any additional storage allowed in the open. All storage shall be contained within appropriate facilities and out of site.
7. Home based businesses focused on repairs and maintenance of vehicles and motors shall not be allowed to storage damaged, unlicensed, salvaged, vehicles or parts on site and outside the structure where said home based business is taking place.
8. When storage of chemicals associated with agricultural businesses are stored on site, the storage shall comply with all state and Federal regulations and shall be kept in a place that is secured, dry and locked from general access.
9. All alterations and additions shall be completed in a manner that matches the existing structure and shall have a residential appearance to the exterior. All separate entrance(s) shall be discrete and match the residential design.
10. Additional off-street parking or loading facilities, beyond the parking provided for the residence, shall be provided and shall meet the following standards:
    a. Two additional spaces for the unrelated employees;
    b. Two additional spaces to be used for client/visitor parking;
    c. The additional parking required in items (a) and (b) shall not be provided in any required Front, Side or Rear Yard setback;
    d. All additional parking and loading spaces shall be screened using landscaping materials and opaque privacy fencing not more than six feet in height;
    e. Applicant shall not relocate parking for the residence into any Front, Side or Rear Yard Setback in order to provide the additional parking.
    f. All new off-street parking is encouraged to be toward the rear yard portion of the property and screened from view from the street.
11. The display of goods and/or external evidence of the home based business shall not be permitted, except for one non-animated, non-illuminated, non-flashing announcement plate, indicating not more than the name and address of the resident. Said plate shall be attached flat against the wall of the residence and shall not exceed two sq. ft. in total surface area.
12. No offensive noise, vibration, smoke, odor, heat, or glare shall be noticeable at or beyond the property line.
13. No electrical or mechanical equipment shall interfere with local radio communications and television reception, or cause fluctuation in line voltage off the premises.
14. All businesses related to Child Care Homes and Child Care Centers shall be in accordance with Nebraska State Statutes.

9.02.09 Revocation:

1. Conditions. A home occupation and home based business permit granted in accordance with the provisions of this section may be terminated if the Zoning Administrator makes any of the following findings:
    a. That any condition of the home occupation or home based business permit has been violated;

b. That the use has become detrimental to the public health or safety or is deemed to constitute a nuisance;
c. That the permit was obtained by misrepresentation or fraud;
d. That the use for which the permit was granted has ceased or has been suspended for six consecutive months or more; and
e. That the condition of the premises, or the district of which it is a part, has changed so that the use may no longer be justified under the purpose and intent of this section.

2. Appeal. Within five working days of a revocation, an appeal may be made to the Genoa Board of Adjustment. The Zoning Administrator within ten working days of the receipt of an appeal of his or her revocation actions, shall report his or her findings of fact and decision to the Genoa Board of Adjustment. The Genoa Board of Adjustment shall determine the facts and may revoke, modify or allow to remain unchanged the home occupation or home based business permit in accordance with the Board's final determination.
3. Nontransferable. A home occupation or home based business permit granted in accordance with the provisions of this article shall not be transferred, assigned, nor used by any person other than the permittee, nor shall such permit authorize such home occupation at any location other than the one for which the permit is granted.

Section 9.03 Wireless Communication Towers

9.03.01 *Intent:*

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

9.03.02 *Definitions:*

All terms in this Section which are not specifically defined herein shall be construed in accordance with the Communications Act of 1934, the Telecommunications Act of 1996 and the Rules and Regulations of the Federal Communications Commission (FCC). As used in this Section, the following terms shall have the following meanings:

ANTENNA shall mean a device, designed and intended for transmitting or receiving television, radio, or microwave signals, direct satellite service (including direct-to-home satellite service), and/or video programming services via multi-point distribution services.

ANTENNA SUPPORT STRUCTURE shall mean any building or structure other than a tower which can be used for location of telecommunications facilities.

APPLICANT shall mean any person that applies for a Tower Development Permit.

APPLICATION shall mean a process by which the owner of a tract of land within the zoning jurisdiction of the City submits a request to develop, construct, modify, or operate a tower upon such tract of land. The term application includes all written documentation, verbal statements, and representations, in whatever, formal forum, made by an applicant to the City concerning such request.

CONFORMING COMMERCIAL EARTH STATION shall mean a satellite dish which is two meters or less in diameter and is located in an area where commercial or industrial uses are generally permitted under this regulation.

ENGINEER shall mean any engineer qualified and licensed by any state or territory of the United States of America.

OWNER shall mean any person with a fee simple title or a leasehold exceeding 10 years in duration to any tract of land within the zoning jurisdiction of the City who desires to develop, construct, modify, or operate a tower upon such tract of land.

PERSON shall mean any person, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not for profit.

SATELLITE DISH ANTENNA shall mean an antenna consisting of a radiation element intended for transmitting or receiving television, radio, microwave, or radiation signals and supported by a structure with or without a reflective component to the radiating dish, usually circular in shape.

STEALTH shall mean any telecommunications facility, tower, or antenna which is designed to enhance compatibility with adjacent land uses, including, but not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and towers designed to look other than a tower, such as light poles, power poles and trees.

TELECOMMUNICATIONS FACILITIES shall mean any cables, wires, lines, waive guides, antennas, or any other equipment or facilities associated with the transmission or reception of communications which a person seeks to locate or has installed upon or near a tower or antenna support structure. However, telecommunications facilities shall not include:

1. Any Conforming Commercial Earth Station antenna two meters or less in diameter which is located on real estate zoned R-1, R-2, or R-3.
2. Any satellite dish antenna of one meter or less in diameter, regardless of zoning applicable to the location of the antenna.

TOWER shall mean a self-supporting lattice, guyed, or monopole structure, which supports Telecommunications Facilities. The term Tower shall not include non-commercial amateur radio operator's equipment as licensed by the FCC or structure supporting an earth station antenna serving residential premises or dwelling units exclusively.

TOWER DEVELOPMENT PERMIT shall mean a permit issued by the City upon approval by the City Council of an application to develop a tower within the zoning jurisdiction of the City; which permit shall continue in full force and effect for so long as the tower to which it applies conforms to this Section. Upon issuance, a Tower Development Permit shall be deemed to run with the land during the permits duration and may be transferred, conveyed, and assigned by the applicant to assigns and successors-in-interest. The Tower Development Permit is intended to be a Conditional Use Permit and the subsequent process.

TOWER OWNER shall mean any person with an ownership interest of any nature in a proposed or existing tower following the issuance of a Tower Development Permit.

9.03.03 Location of Towers and Construction Standards

1. Towers shall be permitted conditional uses of land in only those zoning districts where specifically listed and authorized in this regulation.
2. No person shall develop, construct, modify or operate a tower upon any tract of land within the zoning jurisdiction of the City prior to approval of its application for a Tower Development Permit by the City Council and issuance of the permit by the City. Applicants shall submit their application for a Tower Development Permit to the Zoning Office and shall pay a filing fee in accordance with Section 4.26.
3. All towers, telecommunications facilities and antennas on which construction has commenced within the zoning jurisdiction of the City after the effective date of this regulation shall conform to the Building Codes and all other construction standards set forth by the City, County, federal, and state law and applicable American National Standards Institute (ANSI). Upon completion of construction of a tower and prior to the commencement of use, an engineer's certification that the tower is structurally sound and in conformance with all of the aforementioned applicable regulatory standards shall be filed in the Zoning Office.

9.03.04 Application to develop a Tower

Prior to commencement of development or construction of a tower, an application shall be submitted to the Zoning Office for a Tower Development Permit and shall include the following:

1. Name, address, and telephone number of the owner and if applicable, the lessee of the tract of land upon which the tower is to be located. Applicants shall include the owner of the tract of land and all persons having an ownership interest in the proposed tower. The application shall be executed by all applicants.
2. The legal description and address of the tract of land on which the tower is to be located.
3. The names, addresses and telephone numbers of all owners of other towers or useable antenna support structures within a one mile radius of the proposed tower, including publicly and privately owned towers and structures.
4. An affidavit attesting to the fact that the applicant has made diligent but unsuccessful efforts to obtain permission to install or collocate the applicants telecommunications facilities on a tower or useable antenna support or written technical evidence from an engineer that the applicants telecommunications facilities cannot be installed or collocated on another tower or useable antenna support structure.
5. Written technical evidence from an engineer that the proposed tower will meet any established Building Code, and all other applicable construction standards set forth by the City Council and federal and state and ANSI standards.
6. Color photo simulations showing the proposed location of the tower with a photo-realistic representation of the proposed tower as it would appear viewed from the nearest residentially used and/or zoned property and nearest roadway, street or highway.
7. Descriptions and diagrams of the proposed tower, telecommunications facilities and/or antenna, manufacturers literature, appurtenances such as buildings, driveways, parking areas, and fences or other security enclosures with significant detail to allow persons reviewing the application to understand the kind and nature of the proposed facility.

9.03.05 Conditional Use Permit for Towers: Procedure

After receipt of an application for a Conditional Use Permit, the Zoning Administrator shall schedule a public hearing before the Planning Commission, following all statutory requirements for publication and notice, to consider such application. The Planning Commission shall receive testimony on the Conditional Use Permit and shall make a recommendation to the City Council. Upon the completion of the Planning Commission Public Hearing the Zoning Administrator shall schedule a public hearing before the City Council, following all statutory requirements for publication and notice, to consider such application and the recommendation of the City Planning Commission. The Planning Commission and City Council may approve the Conditional Use Permit as requested in the pending application with any conditions or safeguards it deems reasonable and appropriate based upon the application and/or input received at the public hearings or deny the application.

9.03.06 Setbacks and Separation or Buffer Requirements

1. All towers up to 50 feet in height shall be setback on all sides a distance equal to the underlying setback requirement in the applicable zoning district. Towers in excess of 50 feet in height shall be set back an additional one foot for each one foot of tower height in excess of 50 feet. The height of the tower shall be measured from the grade at the foot of the base pad to the top of any telecommunications facilities or antennas attached thereto. Setback requirements shall be measured from the base of the tower to the property line of the tract of land on which it is located.
2. Towers exceeding 100 feet in height may not be located in any residentially zoned district and must be separated from all residentially zoned districts and occupied structures other than those utilized by the tower owner, by a minimum of 200 feet or 100 percent of the height of the proposed tower, whichever is greater.
3. Towers of 100 feet or less in height may be located in residentially zoned districts provided said tower is separated from any residential structure, school, church, and/or occupied structures other than those utilized by the tower owner, by a minimum of 100 percent of the height of the tower.
4. Towers must meet the following minimum separation requirements from other towers:
   a Monopole tower structures shall be separated from all other towers, whether monopole, self-supporting lattice, or guyed by a minimum of 750 feet.

b Self-supporting lattice or guyed towers shall be separated from all other self-supporting lattice or guyed towers by a minimum of 1,500 feet.

9.03.07 Structural Standards for Towers Adopted

The *Structural Standards for Steel Antenna Towers and Antenna Supporting Structures*, 1991 Edition (ANSI/EIA/TIA 222-E-1991) is hereby adopted, together with any amendments thereto as may be made from time to time, except such portions as are hereinafter deleted, modified, or amended by regulation and set forth in this Article of the Zoning Regulation.

9.03.08 Illumination and Security Fences

1. Towers shall not be artificially lit except as required by the Federal Aviation Administration (FAA). In cases where there are residential uses/zoned properties within a distance of 300 percent of the height of the tower, any tower subject to this Section shall be equipped with dual mode lighting or a red beacon only.
2. All self-supporting lattice or guyed towers shall be enclosed within a security fence or other structure designed to preclude unauthorized access. Monopole towers shall be designed and constructed in a manner which will preclude to the extent practical, unauthorized climbing of said structure.

9.03.09 Exterior Finish

Towers not requiring FAA painting or marking shall have an exterior finish which enhances compatibility with adjacent land uses, subject to review and approval by the Planning Commission and City Council as part of the application approval process. All towers which must be approved as a conditional use shall be stealth design unless stealth features are impractical or the cost of such features represents an undue burden on the applicant.

9.03.10 Landscaping

All tracts of land on which towers, antenna support structures, telecommunications facilities and/or antennas are located shall be subject to the landscaping requirements of the City.

9.03.11 Maintenance, Repair or Modification of Existing Towers

All towers constructed or under construction on the date of approval of this regulation may continue in existence as a non-conforming structure and may be maintained or repaired without complying with any of the requirements of this Section. Nonconforming structures or uses may not be enlarged or the degree of nonconformance increased without complying with this Section, including applying for and obtaining a Tower Development Permit. Any modification or reconstruction of a tower constructed or under construction on the date of approval of this regulation shall be required to comply with the requirements of this Section including applying for and obtaining a Tower Development Permit. Said application shall describe and specify all items which do not comply with this Section and may request, subject to final review and approval of the City Council, an exemption from compliance as a condition of the Tower Development Permit.

9.03.12 Inspections

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

9.03.13 Maintenance

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

9.03.14 Abandonment

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

9.03.15 Satellite Dish Antennas, Regulation

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

1. In residentially zoned districts, satellite dish antennas may not exceed a diameter of 10 feet.
2. Single family residences may not have more than three satellite dish antenna over three feet in diameter.
3. Multiple family residences with 10 or less dwelling units may have no more than one satellite dish antenna over three feet in diameter. Multiple family residences with more than 10 dwelling units may have no more than two satellite dish antennas over three feet in diameter.
4. In residential zoning districts, satellite dish antennas shall not be installed in the required front yard setback or side yard setback area.
5. All satellite dish antennas installed within the zoning jurisdiction of Genoa, upon adoption of this regulation, shall be of a neutral color such as black, gray, brown, or such color as will blend with the surrounding dominant color in order to camouflage the antenna.

Section 9.04 Fences

No fence shall be constructed within the zoning jurisdiction of the City of Genoa unless a permit therefore is approved and issued by the building inspector and is constructed in conformance with the following requirements:

9.04.01 The height limitation for fences shall be a maximum of 76 inches above ground level except as provided herein.

1. A fence constructed within a front yard of a residential lot and vegetation used as a barrier, screen, or fence along and parallel to the front line of a residential lot, shall not exceed 48 inches in height.
2. Where it is demonstrated that for security purposes the perimeter fencing around a plant or building located in an area zoned as an Industrial District must be higher than six feet in height may be approved by through a Conditional Use Permit.
3. Fences constructed along and parallel to lot lines separating a residential lot from property located in a Commercial or Industrial District shall not exceed eight feet in height.
4. Fences constructed along and parallel to rear and side lot lines adjoining arterial streets, as designated by the Nebraska Department of Roads, shall not exceed eight feet in height.

9.04.02 Fences located within a front or side yard of a residential lot must qualify within the definition of an open fence, except that solid fences may be constructed along a side lot line parallel and adjacent to the lot line that is adjacent to a Commercial District or an Industrial District. A solid fence may be constructed in a side yard parallel and adjacent to the lot line that is adjacent to a street.

9.04.03 No fence or vegetation shall be situated or constructed in such a way as to obstruct the vehicular traffic or otherwise create a traffic safety hazard.

9.04.04 The use of barbed wire in the construction of any fence is prohibited except:

1. Perimeter security fencing of buildings constructed in an Industrial District. The plans and specifications for any such fencing must be approved by the City before commencement of construction.
2. Farm fencing constructed for agricultural purposes on parcels of land 10 acres or more in size, located in the Transitional Agricultural District.

9.04.05 All fences shall be maintained in good repair.

9.04.06 All fences shall be located inside the boundaries of the property upon which constructed except where two adjacent property owners pursuant to written agreement filed with the City and with the Nance County Register of Deeds agree to build one fence on the common lot line of adjacent side yards or back yards.

No part of any fence constructed as allowed in this Section shall be physically connected to any structure on a neighboring property.

9.04.07 Electric Fences. No electric fence, except for underground animal control fencing, shall be constructed or maintained within the City of Genoa or within its extraterritorial zoning jurisdiction except in TA-Transitional Agriculture District as hereinafter provided. An owner or lessee of such property may, upon application to the City and approval by the Zoning Administrator, maintain electrified fencing provided same shall not be energized to the extent that it is capable of causing bodily harm to persons, be they children or adults, or to animals. Before the Zoning Administrator shall approve any electrified fencing, it shall be determine that non-electrified fencing will not adequately protect the owner's property and the owner's application for approval of electrified fencing shall set forth in detail the reasons why non-electrified fencing will not adequately protect his property.

9.04.08 Facing. The finished surface of all fences shall face toward adjoining property or street frontage. However, in the case of two or more property owners wishing to share a common fence line between their properties, said property owners shall jointly determine upon which side of the common fence line the finished face of the fence shall be placed. Such determination shall be consistent for the entire length of the common fence line.

9.04.09 Fences in existence as of the date of adoption of this Ordinance. Any existing fence which was in conformity with past Municipal Code provisions and which was in place as of the date of adoption of this Ordinance, may remain without change in accordance with this section notwithstanding same may be in conflict with one or more provisions of this section as amended; provided, however, any replacement or change of said existing fence or addition of a new fence, must hereby meet the requirements of this section as amended hereby.

Section 9.05 Performance Standards for Industrial Uses

9.05.01 Physical Appearance: All operations shall be carried on within an enclosed building except that new materials or equipment in operable condition may be stored in the open. Normal daily wastes of an inorganic nature may be stored in containers not in a building when such containers are not readily visible from a street. The provisions of this paragraph shall not be construed to prohibit the display of merchandise or vehicles for sale or the storage of vehicles, boats, farm machinery, trailers, mobile homes, or similar equipment when in operable condition.

9.05.02 Fire hazard: No operation shall involve the use of highly flammable gasses, acid, liquids, grinding processes, or other inherent fire hazards. This provision shall not be construed to prohibit the use of normal heating fuels, motor fuels and welding gasses when handled in accordance with other regulations of the City of Genoa.

9.05.03 Noise: No operation shall be carried on which involves noise in excess of the normal traffic noise of the adjacent street at the time of the daily peak hour of traffic volume. Noise shall be measured at the property line and when the level of such noise cannot be determined by observation with the natural senses, a suitable instrument may be used and measurement may include breakdowns into a reasonable number of frequency ranges.

9.05.04 Sewage and Liquid Wastes: No operation shall be carried on which involves the discharge into a sewer, water course, or the ground, liquid waste of any radioactive or poisonous nature or chemical waste which are detrimental to normal sewage plant operation or corrosive and damaging to sewer pipes and installations.

9.05.05 Air Contaminants:

1. Air Contaminants and smoke shall be less dark than designated Number One on the Ringleman Chart as published by the United States Bureau of Mines, except that smoke of a density designated as Number One shall be permitted for one four minute period in each one-half hour. Light colored contaminants of such an capacity as to obscure an observer's view to a degree equal to or greater than the aforesaid shall not be permitted.
2. Particulate mater of dust as measured at the point of emission by any generally accepted method shall not be emitted in excess of two tenths (0.2) grains per cubic foot as corrected to a temperature of 500 degrees Fahrenheit, except for a period of four minutes in any one-half hour, at which time it may equal but not exceed six tenths (0.6) grains per cubic foot as corrected to a temperature of 500 degrees Fahrenheit.
3. Due to the fact that the possibilities of air contamination cannot reasonably be comprehensively covered in this section, there shall be applied the general rule that there shall not be discharged from any sources whatsoever such quantities of air contaminants or other material in such quantity as to cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public in general; or to endanger the comfort, repose, health, or safety of any such considerable number of persons or to the public in general, or to cause, or have a natural tendency to cause injury or damage to business, vegetation, or property.
4. **Odor:** The emission of odors that are generally agreed to be obnoxious to any considerable numbers of persons, shall be prohibited. Observations of odor shall be made at the property line of the establishment causing the odor. As a guide to classification of odor it shall be deemed that strong odors of putrefaction and fermentation tend to be obnoxious and that such odors as associated with baking or the roasting of nuts and coffee shall not normally be considered obnoxious within the meaning of this Regulations.
5. **Gasses:** The gasses sulphur dioxide and hydrogen sulphide shall not exceed five parts per million (5ppm), carbon monoxide shall not exceed five parts per million (5ppm). All measurements shall be taken at the zoning lot line.
6. **Vibration:** All machines including punch presses and stamping machines shall be so mounted as to minimize vibration and in no case shall such vibration exceed a displacement of three thousands of an inch (0.003") measured at the zoning lot line. The use of steam or broad hammers shall not be permitted in this zone.
7. **Glare and heat:** All glare, such as welding arcs and open furnaces shall be shielded so that they shall not be visible from the zoning lot line. No heat from furnaces or processing equipment shall be sensed at the zoning lot line to the extent of raising the temperature of air or materials more than five degrees Fahrenheit.

Section 9.06 Screening

9.06.01 Intent:

The intent of the screening requirements are to improve the appearance of lot areas; to provide a buffer between differing land uses; to minimize the adverse effect of uses from one another; to minimize the effect of heat, noise and glare; and to conserve the value of property and neighborhoods within the community. Property development shall consider and respect land capabilities and constraints, minimize erosion and destruction of natural amenities and provide a buffer between differing land uses.

9.06.02 Screening Requirements

1. All parking areas or vehicular use areas abutting a residential district or public right-of-way shall be screened from grade level to a height not less than three feet.
2. All commercial and industrial uses that abut residential districts shall provide screening not less than three feet in height along the abutting property line(s).
3. Screening required by this section shall be equivalent to the following:

a Solid fences or walls as approved by the Planning Commission on the final development plan.
b Hedges, shrubs, or evergreen trees of 36 inches in height at planting spaced appropriately to provide a solid screen within three years after planting.
c Berms of not less than three feet in height and that provide a maximum slope of 3:1 for easy maintenance. Such berms may be used in conjunction with plantings to achieve the solid visual screen as described in Section 9.05.02 (3) (a) above.
d All projects except one-and-two family dwellings shall include a detailed drawing on the landscape plan indicating the method of enclosure and screening to be used on trash dumpsters.
e All dumpsters or trash bins shall maintain a solid six feet tall enclosure around each unit. Said enclosure shall be constructed of materials complimentary and suitable to the primary use.

4. Junkyards (salvage yards) shall be screened with an eight foot high opaque, solid fence or earth berm so as to provide visual and aural separation between such use and adjacent areas.
5. All extractive industries shall be screened by means of plant materials, earth mounding or solid fencing at least six feet in height to provide visual and aural separation between such use and adjacent areas.

9.06.03 Installation and Maintenance of Screening:

1. *Installation:* All landscaping shall be installed in a sound workmanship like manner and according to accepted good planting procedures. Landscaped areas shall require protection from vehicular encroachment. Temporary occupancy permits may be issued due to weather related conditions upon approval by the Zoning Administrator.

2. *Maintenance*: The owner, developer, tenant and/or their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping. All required landscaping shall be maintained in proper condition. When replacement is necessary all plants and other non-living landscape materials shall be equal in size, density and appearance to those items requiring replacement.

3. All required screening and fencing shall be maintained and, whenever necessary, replaced with materials that provide equivalent size, density, and appearance. All landscaping and screening shall be kept free from refuse and debris so as to present a healthy, neat and orderly appearance. Lawn grass shall be maintained on all areas not covered by other landscaping, parking, drives, buildings, or similar structures. Existing yards shall be maintained with grass or other approved ground cover.

9.06.04 Parking Lot Plan Approval

A final site development plan shall be submitted to the Zoning Administrator with the requisite landscaping and screening required herein for each of the following types of parking lot improvements:

1. New construction.
2. Expansion of existing facilities.
3. Maintenance of existing facilities where an overlay is proposed at which time the landscaping and screening shall be required. Modifications to the required parking lot landscaping and screening may be granted by the Zoning Administrator after review of submitted plans and in consideration of surrounding uses.
4. No parking lot shall be exempted from these regulations; unless previously exempted.

Section 9.07 Small Wind Energy Systems

9.07.01 Purpose

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

9.07.02 Definitions

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

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

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

9.07.03 Requirements

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

1. Tower Height
   a. For property sizes between ½ acre and one acre the tower height shall be limited to 80 feet.
   b. For property sizes of one acre or more, there is no limitation on tower height, except as imposed by FAA regulations.
2. Setbacks
   a. No part of the wind system structure, including guy-wire anchors, may extend closer than 10 feet to the property lines of the installation site.
3. Noise
   a. Small wind energy systems shall not exceed 60 dBA, as measured at the closet neighboring inhabited dwelling unit.
   b. The noise level may be exceeded during short term events such as utility outages and/or severe wind storms.
4. Approved Wind Turbines
   a. Small wind turbines must have been approved under the Emerging Technologies program of the California Energy Commission or any other small wind certification program recognized by the American Wind Energy Association.
5. Compliance with Building and Zoning Codes
   a. Applications for small wind energy systems shall be accomplished by standard drawings of the wind turbine structure, including the tower base, and footings.
   b. An engineering analysis of the tower showing compliance with official building code of the governing body and/or the State of Nebraska and certified by a licensed professional engineer shall also be submitted.
   c. The manufacturer frequently supplies this analysis.
   d. Wet stamps shall not be required.
6. Compliance with FAA Regulations
   a. Small wind energy systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.
7. Compliance with National Electrical Code
   a. Permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code.
   b. The manufacturer frequently supplies this analysis.
8. Utility Notification
   a. No small wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator.
   b. Off-grid systems shall be exempt from this requirement.

9. Setbacks

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

	Wind Turbine – Non Commercial WECS
Property Lines	One times the total height
Neighboring Dwelling Units	One times the total height
Road Rights-of-Way*	One times the tower height.
Other Rights-of-Way	One times the tower height.
Wildlife Management Areas and State Recreational Areas	NA
Wetlands, USFW Types III, IV, and V	NA
Other structures adjacent to the applicant's sites	NA
Other existing WECS not owned by the applicant.	NA
River Bluffs	

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

Section 9.08 Commercial/Utility Grade Wind Energy Systems

9.08.01 Purpose

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

9.08.02 Definitions

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

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

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

Fall Zone shall mean the area, defined as the furthest distance from the tower base, in which a guyed tower will collapse in the event of a structural failure. This area is less than the total height of the structure.

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

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

Micro-Wind Energy Conversion System shall mean a Wind Energy Conversion System of 1 kW nameplate generating capacity or less and utilizing supporting towers of 40 feet or less.

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

Rotor Diameter shall mean the diameter of the circle described by the moving rotor blades.

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

Substations shall mean any electrical facility to convert electricity produced by wind turbines to a voltage greater than 35,000 (35,000 KV) for interconnection with high voltage transmission lines.

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

Tower shall mean the vertical structures that support the electrical, rotor blades, or meteorological equipment.

Tower Height shall mean the total height of the Wind Energy Conversion System exclusive of the rotor blades.

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

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

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

9.08.03 Requirements

Commercial/Utility Grade wind energy systems shall be permitted as a Conditional Use within any district where the use is listed and allowed. The following requirements and information shall be met and supplied:

1. The name(s) of project applicant.
2. The name of the project owner.
3. The legal description and address of the project.
4. A description of the project of the project including: Number, type, name plate generating capacity, tower height, rotor diameter, and total height of all wind turbines and means of interconnecting with the electrical grid.
5. Site layout, including the location of property lines, wind turbines, electrical grid, and all related accessory structures. This site layout shall include distances and be drawn to scale.
6. Engineer's certification.
7. Documentation of land ownership or legal control of the property.
8. The latitude and longitude of individual wind turbines.
9. A USGS topographical map, or map with similar data, of the property and surrounding area, including any other Wind Energy Conversion System, within 10 rotor distances of the proposed Wind Energy Conversion System.
10. Location of wetlands, scenic, and natural areas (including bluffs) within 1,320 feet of the proposed Wind Energy Conversion System.
11. An Acoustical Analysis
12. FAA permit
13. Location of all known Communication Towers within two miles of the proposed Wind Energy Conversion System.
14. Decommissioning Plan
15. Description of potential impacts on nearby Wind Energy Conversion Systems and wind resources on adjacent properties.

9.08.04 Aggregated Projects

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

9.08.05 Setbacks

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

	Wind Turbine – Commercial/Utility WECS	Meteorological Towers
Property Lines	One times the total height.	The greater of: The fall zone, as certified by a professional engineer, + 10 feet or 1.1 times the total height.
Neighboring Dwelling Units*	750 feet	The greater of: The fall zone, as certified by a professional engineer, + 10 feet or 1.1 times the total height.
Road Rights-of-Way**	One times the height.	The greater of: The fall zone, as certified by a professional engineer, + 10 feet or one times the total height.
Other Rights-of-Way	The greater of: The fall zone, as certified by a professional engineer, + 10 feet or one times the total height.	The greater of: The fall zone, as certified by a professional engineer, + 10 feet or one times the total height.
Public conservation lands	600 feet	600 feet
Wetlands, USFW Types III, IV, and V	600 feet	600 feet
Other structures	The greater of: The fall zone, as certified by a professional engineer, + 10 feet or one times the total height.	The greater of: The fall zone, as certified by a professional engineer, + 10 feet or one times the total height.
Other existing WECS	To be considered based on: • Relative size of the existing and proposed WECS • Alignment of the WECS relative to the predominant winds • Topography • Extent of wake interference impacts on existing WECS • Property line setback of existing WECS • Other setbacks required Waived for internal setbacks in multiple turbine projects including aggregated projects	
River Bluffs	1,320 feet	

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

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

9.08.06 Special Safety and Design Standards

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

1. Clearance of rotor blades or airfoils must maintain a minimum of 12 feet of clearance between their lowest point and the ground.
2. All Commercial/Utility WECS shall have a sign or signs posted on the tower, transformer and substation, warning of high voltage. Other signs shall be posted on the turbine with emergency contact information.
3. All wind turbines, which are a part of a commercial/utility WECS, shall be installed with a tubular, monopole type tower.
4. Consideration shall be given to painted aviation warnings on all towers less than 200 feet.
5. Color and finish:
   All wind turbines and towers that are part of a commercial/utility WECS shall be white, grey, or another non-obtrusive color. Blades may be black in order to facilitate deicing. Finishes shall be matte or non-reflective.
6. Lighting:
   Lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by the FAA permits and regulations. Red strobe lights shall be used

during nighttime illumination to reduce impacts on neighboring uses and migratory birds. Red pulsating incandescent lights should be avoided.

7. Other signage:
   All other signage shall comply with the sign regulations found in these regulations.
8. Feeder Lines:
   All communications and feeder lines, equal to or less than 34.5 kV in capacity, installed as part of a WECS shall be buried, where feasible. Feeder lines installed as part of a WECS shall not be considered an essential service.
9. Waste Disposal:
   Solid and Hazardous wastes, including but not limited to crates, packaging materials, damaged or worn parts, as well as used oils and lubricants, shall be removed from the site promptly and disposed of in accordance with all applicable local, state and federal regulations.
10. Discontinuation and Decommissioning:
    A WECS shall be considered a discontinued use after one year without energy production, unless a plan is developed and submitted to the Zoning Administrator outlining the steps and schedule for returning the WECS to service. All WECS and accessory facilities shall be removed to ground level within 90 days of the discontinuation of use.

    Each Commercial/Utility WECS shall have a Decommissioning plan outlining the anticipated means and cost of removing WECS at the end of their serviceable life or upon being discontinued use. The cost estimates shall be made by a competent party; such as a Professional Engineer, a contractor capable of decommissioning or a person with suitable expertise or experience with decommissioning. The plan shall also identify the financial resources that will be available to pay for decommissioning and removal of the WECS and accessory facilities.
11. Noise:
    No Commercial/Utility WECS shall exceed 50 dBA at the nearest structure or use.
12. Interference:
    The applicant shall minimize or mitigate interference with electromagnetic communications, such as radio, telephone, microwaves, or television signals caused by any WECS. The applicant shall notify all communication tower operators within five miles of the proposed WECS location upon application to the city/county for permits.
13. Roads:
    Applicants shall:
    a. Identify all county, municipal or township roads to be used for the purpose of transporting WECS, substation parts, cement, and/or equipment for construction, operation or maintenance of the WECS and obtain applicable weight and size permits from the impacted jurisdictions prior to construction.
    b. Conduct a pre-construction survey, in coordination with the appropriate jurisdictions to determine existing road conditions. The survey shall include photographs and a written agreement to document the condition of the public facility.
    c. Be responsible for restoring or paying damages as agreed to by the applicable jurisdiction sufficient to restore the road(s) and bridges to preconstruction conditions.
14. Drainage System:
    The applicant shall be responsible for immediate repair of damage to public drainage systems stemming from construction, operation or maintenance of the WECS.

Section 9.09 Junk Yards or Salvage Yards

Junk Yards and salvage of materials may be allowed in identified districts; provided the following minimum conditions are met (additional conditions may be required depending upon the operation and the proposed location:

9.09.01 Construction and operation shall comply with the Genoa Municipal Code and any other applicable codes or requirements.

9.09.02 Receiving areas for junk or salvage material shall be designed to avoid the depositing of junk or salvage material outside a building or outside screened (solid fence) storage areas.

9.09.03 Junk yards and salvage of materials shall contain a minimum of two acres and shall not be located within a designated 100-year floodplain area as identified by the Corps of Engineers.

9.09.04 Junk or salvage material kept outside a building or buildings shall not be located closer than 500 feet from any designated State or Federal highway. Or locally designated Expressway, Major Arterial, and Other Arterial as per the State of Nebraska Department of Roads or subsequent successor agency.

9.09.05 Junk material kept outside a building or buildings shall not be located in the required front yard.

9.09.06 Junk or salvage material kept outside a building or buildings shall be at least 100 feet from the boundaries of the I-1 zoning district and shall be at least 500 feet from the any residential district or use.

9.09.07 All motor vehicles shall have all fluids drained prior to placement within the facility.

Section 9.10 Biofuels and Distillation Facilities

The following conditions shall be met when locating a biofuels facility within the zoning jurisdiction of Genoa. The standards are intended to protect the health, safety, and general welfare of the residents of Genoa and the surrounding region.

9.10.01 Access to the facility shall be paved and connect to a hard surfaced street/road classified as an arterial.

9.10.02 If access is onto a county road or city street, the applicant must provide evidence that the paving of such highway, road or street is sufficient to carry, without damage to the roadway, the weight and size of the loads of grain and liquid and any by-product entering or leaving the facility by truck.

9.10.03 If the road or street is not capable of carrying the weight and size of the loads, then the applicant shall be required to make any necessary upgrades to the paving in order for the pavement to handle the size and weight of the loads.

9.10.04 The applicant shall be required to construct and acquire right-of-way for all turning lanes and signals necessary to handle the increase in truck traffic.

9.10.05 The facility if located adjacent to a railroad line shall have sufficient area to provide for sidings for loading and unloading raw or finished product. The sidings shall be constructed at the applicant's expense.

9.10.06 The facility shall not be located in an area where winds and other climatic events disperse odor, steam, smoke and other discharges into the corporate limits of the City of Genoa.

9.10.07 The facility shall not be located in an area where topography impairs the dispersal of steam, smoke, or other discharges from the facility.

9.10.08 Water supply wells for the facility shall not be located within the 20-year time of travel of any municipal well.

9.10.09 The facility shall be designed to recycle, in a manner compliant with all city and state rules and regulations, a minimum of 75 percent of the water used by the facility including water used for distillation.

9.10.10 All fuel storage tanks shall be located in a manner that will not allow for contamination of any groundwater or surface water.

9.10.11 Total equipment height limited to the requirements of the zoning district.

9.10.12 All fuel storage tanks shall be within an impermeable containment levy system.

9.10.13 Site plan review required.

9.10.14 Lighting must be compliant with all applicable regulations.

9.10.15 Noise produced by facility must comply with noise ordinance regulations.

Section 9.11 Solar Panels

No solar panel shall be constructed within the residential zoning jurisdiction of the City of Genoa unless a Zoning Certificate therefore is approved and issued by the Zoning Administrator and is constructed in conformance with the state building codes and the following requirements. For those devices that include electrical, plumbing and heating constructions, the applicable permits shall also be obtained. Solar panels shall meet the following requirements.

9.11.01 *Lot and Height Requirements:*

Solar panels shall conform to the required front, side and rear lot setback requirements except as provided herein:

1. A solar panel which is attached to an integral part of the principal building may project two feet into the front yard; six feet into the rear yard; and two feet into the side yard.
2. A solar panel which is freestanding may be located only in the required rear yard provided it does not exceed six feet in height and is located not less than five feet from the rear lot line and not closer than one foot to any existing easement as measured from the closest point of the

structure including its foundation and anchorage's, nor shall the solar panel be located in the required side yard or front yard.

9.11.02 *Structural Requirements:*

The physical structure and connections to existing structures shall conform to the applicable state building codes.

9.11.03 *Plot Plan:*

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

9.11.04 *Permit Fees:*

Permit fees are required. This permit fee shall be paid prior to the issuance of the zoning permit.

9.11.05 *Preexisting Solar Panels:*

Notwithstanding noncompliance with the requirements of this section, a solar panel erected prior to the adoption of these Regulations, pursuant to a valid building permit issued by the City, may continue to be utilized so long as it is maintained in operational condition.

Section 9.12 Self-Storage Units (Mini-Warehouses)

9.12.01 Minimum lot size of the Self Storage facility shall be 5,000 square feet.

9.12.02 Activities within the facility shall be limited to the rental of storage cubicles and the administration and maintenance of the facility.

9.12.03 All driveways, parking, loading and vehicle circulation areas shall be surfaced with concrete, asphalt, asphaltic concrete, crushed rock or other approved rock other than gravel. All driveways within the facility shall provide a hard surface with a minimum width of 25 feet.

9.12.04 All storage must be within enclosed buildings and shall not include the storage of hazardous materials.

9.12.05 No storage may open into the front yards.

9.12.06 The total area covered by buildings shall not exceed 50 percent of the site.

9.12.07 The storage of hazardous, toxic, or explosive substances, including, but not limited to, hazardous waste, industrial solid waste, medical waste, municipal solid waste, septage, or used oil.

9.12.08 Facilities must maintain landscape buffer yards of 50 feet adjacent to any public Right-of-Way and 20 feet adjacent to other property lines, unless greater setbacks are required, a total of 35 percent of all yards shall be landscaped.

9.12.09 Site development shall include provisions for stormwater management in accordance with the Regulations of the City of Genoa

9.12.10 Height limitations shall require a maximum height of 20 feet for any structure in the facility.

Section 9.13 Adult Entertainment Establishments

9.13.01 *Intent:*

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

9.13.02 *Definitions:*

ADULT ARCADE shall mean any place to which the public is permitted or invited in which coin-operated, slug-operated or for any form of consideration, electronically, electrically or mechanically controlled still or motion picture machines, projectors, video or laser disc players or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

ADULT BOOKSTORE shall mean a bookstore that offers its customers books, movies, or other novelty items characterized by an emphasis on matter depicting, exposing, describing, discussing or relating to "specified sexual activities" or "specified anatomical areas."

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

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

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

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

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

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

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

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

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

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

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

ESCORT shall mean a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

ESCORT AGENCY shall mean a person or business association who furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.

JUICE BAR see Adult Establishment

MASSAGE PARLOR (See Adult Establishments)

NUDE MODEL STUDIO shall mean any place where a person who appears semi-nude, in a state of nudity, or who displays specified anatomical areas and is provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration. Nude model studio shall not include a college, community college or university supported entirely or in part by public money; a private college or university which maintains and operates educational programs in which credits are transferable to a college, community college or university supported entirely, partly by public money or in a structure or private studio:

a. That has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing;
b. where, in order to participate in a class, a student must enroll at least three days in advance of the class; and
c. where no more than one nude or semi-nude model is on the premises at any one time.

NUDITY OR A STATE OF NUDITY shall mean the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple or the showing of the covered male genitals in a discernibly turgid state.

SEXUAL ENCOUNTER CENTER shall mean a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

a. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
b. activities between either male and female persons or persons of the same sex, or both, when one or more of the persons is in a state of nudity or semi-nude.

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

SPECIFIED SEXUAL ACTIVITIES shall mean activities consisting of the following:

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

9.13.03 Geography:

Uses defined as Adult Entertainment Establishments are allowed in a limited manner within Genoa and are strictly allowed in those districts that will minimize the secondary effects upon the community at-large.

9.13.04 Special Requirements:

The following Special Requirements shall be the minimum standards necessary for the city to issue a Conditional Use Permit. The City reserves the right to add additional requirements that are dependent upon the intensity of the uses within the application and its proximity to other uses and its overall visibility.

1. Said businesses shall be screened along adjoining property lines as to prevent any direct visual contact of the adult business at the perimeter.

2. No Adult business shall be closer than 1,000 feet to any similar use and no closer than 1,000 feet to a residential district or use, religious use, educational use or recreational use. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the main entrance of such adult business to the closest point on the property line of such other adult business, residential district or use, religious use, educational use or recreational use.
3. Said businesses shall be screened along adjoining property lines so as to prevent any direct visual contact of the adult business from the perimeter.
4. Doors, curtains and any other means of obstruction to the opening of all booths and other preview areas, including but not limited to Adult Novelty Store and Adult Motion Picture Theaters shall be removed and kept off at all times during the execution of this Permit. Failure to comply with this condition shall result in revocation of the Conditional Use Permit.
5. No adult business shall be open for business between the hours of twelve-midnight (12:00 a.m.) and six a.m. (6:00 a.m.).
6. The proposed location, design, construction and operation of the particular use shall provide adequate safeguards to protect the health, safety, and general welfare of persons residing or working in adjoining or surrounding property.
7. Such use shall not impair an adequate supply of light and air to surrounding property.
8. Such use shall not unduly increase congestion in the streets or public dangers, including fire and safety hazards.
9. Such use shall be in accord with the intent, purpose and spirit of this Resolution and the Comprehensive Development Plan of Genoa, Nebraska.
10. Applications for adult businesses under the terms of this Section shall be accompanied by evidence concerning the feasibility of the proposed request and its effect on surrounding property. The application shall also include a site plan defining the areas to be developed for buildings and structures, the areas to be developed for parking, driveways and points of ingress and egress, the location and height of walls, the location and type of landscaping, and the location, size and number of signs.
11. An adult business shall post a sign at the entrance of the premises that shall state the nature of the business and shall state that no one under the age of 18 years of age is allowed on the premises. This Section shall not be construed to prohibit the owner from establishing an older age limitation for admission to the premises.
12. *Prohibited Activities of Adult Businesses:*
    A. No adult business shall employ any person under 18 years of age
    B. No adult business shall furnish any merchandise or services to any person who is under 18 years of age
    C. No adult business shall be conducted in any manner that permits the observation of any model or any material depicting, describing or relating to specified sexual activities or specified anatomical areas by display, decoration, sign, show window or other opening from any public way or from any property not licensed as an adult use. No operator of an adult business or any officer, associate, member, representative, agent, owner, or employee of such business shall engage in any activity or conduct in or about the premises which is prohibited by this Resolution or any other laws of the State.
    D. No part of the interior of the adult business shall be visible from the pedestrian sidewalk, walkway, street, or other public or semi-public area.

Section 9.14 Accessory Dwelling Units

An accessory dwelling unit, where permitted, must meet the following conditions:

1. It must be on the same lot, either attached or detached with another single-family dwelling unit.
2. It must have a minimum of 500 s.f. and cannot exceed 7,500 s.f. of floor area;
3. It must have its own cooking and bathing facilities;
4. Electric, water and sewer service must be from the single-family dwelling unit on the property. There shall not be separate utilities to the accessory unit;
5. It must be of the same architectural style, materials and colors as the principal single-family dwelling so as to be architecturally compatible;
6. No portion of an accessory unit shall be located nearer the front lot line than the principal single-family dwelling unit;
7. It must meet all of the setback requirements within the zoning district in which it is located;
8. The minimum required lot size is 10,000 s.f.;
9. There can only be one accessory dwelling unit permitted per lot;

10. To qualify as an accessory unit under this section, one of the units on the property must continue to be occupied by the owner of the property

Section 9.15 Sand and Gravel, Mineral , Stone, Rock, and Soil Extraction and Quarries

It shall be unlawful for any owner or owners or property to extract, mine, quarry, or remove soil for commercial purposes without the proper permits except soil donated for use by a municipality, county, or state for public roadway purposes.

1. When soil is sold, removed, and transported to be used for public roadway purposes, it shall be the responsibility of the property owner to meet the following conditions:
   A. The application shall include a grading map showing contours, proposed extraction contours, and proposed final grade contours;
   B. The applicant shall identify the effect of the extraction on the groundwater table of the adjoining properties;
   C. Erosion controls, including retention and sediment basins shall be provided during extraction to prevent a change in the character of runoff onto adjacent land;
   D. The application shall identify proposed vehicle and equipment storage areas;
   E. The surface shall be maintained in such a manner that surface waters do not collect or pond, unless specifically approved. Underground drainage may be supplied if it connects to an existing facility;
   F. Topsoil shall be collected and stored for redistribution on the site at termination of the operation;
   G. Excavation shall be conducted in such a way as not to constitute a hazard to any persons, nor to the adjoining property. All cuts shall be returned to a slope of less than 3:1 as soon as possible. Safety screening shall be required at the outer boundary of the site; visual screening will also be required where said boundary is adjacent to residential or recreational land;
   H. Within one year after completion of the excavation on any portion of the site, the topography and soils shall be stabilized, and the land shall be graded, seeded, and sodded so as to prevent erosion and siltation, and to protect the health, safety, and general welfare of the public;
   I. The owner of the property shall obtain adequate insurance to cover any of the damages, which may occur as a result of this operation and shall assume all liability for any damages. A copy of such insurance or other proof of such insurance shall be submitted to the Zoning Administrator's office prior to issuing a Conditional Use Permit;
   J. To assure that all of these conditions are met by the owner, a bond contingent on the size of the operation, removal, or extraction may be required to be posted with the County.
2. Exceptions
   A. Sections 9.15 (1) (A-K) do not apply to removals, extractions, and operations that remove less than 100 cubic yards from a given location.
   B. Sections 9.15 (1) (A-K) do not apply to owners who donate soil to a municipality, county, or state. Further, this section does not apply to sand and gravel quarries, or the commercial removal of soil not used for road purposes.

Section 9.16 Recreational Vehicle Parks

No Recreational Vehicle Park shall be constructed within the zoning jurisdiction of Genoa unless a Conditional Use permit is approved and issued by the City and is constructed in conformance with the following requirements:

1. The tract to be used as a recreational vehicle park or campground shall not be less than two acres in area. Under no circumstances shall a manufactured home be parked in a recreational vehicle park or campground.
2. The maximum number of recreational vehicles, trailers, or camp sites shall be 15 per acre.
3. Each recreational vehicle, trailer, camp site shall be plainly marked.
4. The minimum dimensions of a recreational vehicle, trailer or camp site shall be 25 feet wide by 40 feet long.
5. Each recreational vehicle, trailer, camp site shall be separated from other recreational vehicles, trailers, or camp sites by at least 15 feet.
6. All recreational vehicle, trailer, camp sites shall meet the required setbacks from roads and from the ordinary high water mark and shall be located at least 50 feet from exterior lot lines.
   A. The exterior lot line setback shall be maintained in open space; except that landscaping for the purpose of screening the Park from visual views from adjacent properties.
   B. Screening at least six feet in height shall be provided between the recreational vehicle park or campground and any adjoining residential area.

7. The number and location of access drives shall be controlled for traffic safety and protection of surrounding properties; provided:
   A. No one space shall be designed for direct access to a county road or highway outside the boundaries of the recreational vehicle park or campground;
   B. All interior access drives shall be at least 20 feet in width;
   C. All interior access drives and parking areas shall be surfaced with gravel, asphalt or other material to free the site of mud.
8. There shall be two off-street parking spaces per each individual recreational vehicle, trailer, camp site.
9. Each pad location shall be equipped with the following:
   A. Electrical outlet
   B. A sanitary sewer connection per Nebraska DEQ requirements
   C. A potable water connection per Nebraska HHS requirements
   D. If pad sites are not supplied with individual sanitary sewer and water connections then a "Community Building" shall be constructed to the following requirements::
      1) Pads shall not be located more than 300 feet from the "Community Building"
      2) Separate toilet, lavatory and shower facilities for each sex, in the following ratio: one flush-type toilet, one lavatory and one shower or bathtub for females and one flush-type toilet, one lavatory, and one shower or bathtub for males.
      3) The pervious toilet sanitary standards shall be for every 30 pad sites.
      4) Have an accessible, adequate, safe and potable supply of cold water.
      5) Comply with all Nebraska Building, Electrical and life safety codes.
      6) Be maintained in a clean, sanitary condition and kept free of any condition that is considered a health hazard.
10. Other criteria that shall be met include:
   A. No more than one wheeled recreational vehicle or trailer shall be allowed on any individual pad site. In addition to these units, a tent may be erected to serve as an auxiliary shelter, but shall not be erected for more than 14 consecutive days.
   B. These Parks are considered as a seasonal business and site and individual recreational vehicles or trailers are considered seasonal dwelling and shall not be occupied for more than four continuous months in a 12 month period. However, a recreational vehicle or trailer may remain on site for the remaining portion of the year in a stored state.
   C. Wheels and tires shall remain in the in-transit position.
   D. No porches, lean-tos, or additions shall be constructed onto any of these recreational dwellings. Canvas screen rooms or awnings shall be allowed.
   E. A recreational dwelling may only be skirted with lattice, solid skirting may be installed immediately adjacent to the tires.
   F. A shelter unit may located on an individual pad site provided it is designed only to protect occupants from the elements and does not have a permanent water supply, a sewage system, electricity, or heating and cooking facilities.
   G. Identify a Fire Safety Plan/Emergency Plan (approved by the local rural fire department) in the event of a man-made or natural disaster.

One permanent dwelling unit may be constructed within the Recreational Vehicle Park and is to be used strictly by the Park owner and family or the resident superintendent.

ARTICLE 10: BOARD OF ADJUSTMENT

Section 10.01 Members, Terms and Meetings

Pursuant to Neb. Rev. Stat. §19-908 (R.R.S. 1997): The Board of Adjustment shall consist of five regular members, plus one additional member designated as an alternate who shall attend and serve only when one of the regular members is unable to attend for any reason, each to be appointed for a term of three years and removable for cause by the appointing authority upon written charges and after public hearings. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. One member only of the Board of Adjustment shall be appointed from the membership of the Planning Commission, and the loss of membership on the Planning Commission by such member shall also result in his or her immediate loss of membership on the Board of Adjustment and the appointment of another Planning Commissioner to the Board of Adjustment. The first vacancy occurring on the Board of Adjustment shall be filled by the appointment of a person who resides in the extraterritorial zoning jurisdiction of the City at such time as more than two hundred persons reside within such area. Thereafter, at all times, at least one member of the Board of Adjustment shall reside outside of the corporate boundaries of the City but within its extraterritorial zoning jurisdiction. The Board of Adjustment shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to sections 19-901 to 19-914. Meetings of the board shall be held at the call of the chairperson and at such other times as the board may determine. Such chairperson, or in his or her absence the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

Section 10.02 Appeals to Board, Record of Appeal, Hearings and Stays

As provided in Neb. Rev. Stat. §19-909 (R.R.S. 1997): Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the City affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the officer from whom appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment, after the notice of the appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record in application on notice to the officer from whom the appeal is taken and on due cause shown. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties, in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or attorney.

Section 10.03 Powers and Jurisdiction on Appeal

The Board of Adjustment shall have the following powers:

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

2. To hear and decide, in accordance with the provisions of this Ordinance, requests for interpretation of any map, or for decisions upon other special questions upon which the Board is authorized by this Ordinance to pass; and

3. To grant variances, where by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of enactment of this Ordinance, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation under this Ordinance would result in peculiar and exceptional practical difficulties to or exceptional and undue hardships upon the owner of such property, to authorize, upon an appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardship, if such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Ordinance.

No such variance shall be authorized by the Board unless it finds that:

1. The strict application of the Ordinance would produce undue hardship; and

2. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and
3. The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance; and
4. The granting of such variance is based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit or caprice. No variance shall be authorized unless the Board finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to this Ordinance.

   In exercising the above mentioned powers, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance or to effect any variation in this Ordinance.

Section 10.04 Appeals to District Court

Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment may appeal as provided by Neb. Rev. Stat. §19-912, (R.R.S.1997).

ARTICLE 11: AMENDMENTS

Section 11.01 Amendment Procedures

Regulations, restrictions, and boundaries authorized to be created pursuant to Neb. Rev. Stat. §§ 19-901 to 19-915 may from time to time be amended, supplemented, changed, modified, or repealed.

1. Public Hearing.
   The Planning Commission and City Council shall each hold a public hearing on any proposed amendment. The Public Hearings shall be held at a reasonable hour and place for such public hearing, and they shall hold said hearings at the next regular meeting after proper notification of adjacent property owners.

2. Planning Commission Review
   No amendment, supplement, change or modification of this Ordinance, including the boundaries of any zoning district, shall be made by the City Council without first the consideration by the City Planning Commission, the Commission shall submit in writing its recommendations on each amendment, supplement, change or modification to the City Council. Said recommendations shall include approval, disapproval, or other suggestions and the reasons thereof, and a discussion of the effect of each amendment, supplement, change or modification on the Comprehensive Plan. Said recommendations shall be of an advisory nature only.

3. Notice of Hearings.
   Public notice of hearing on a proposed amendment shall be published once in the official City newspaper and at least ten days shall elapse between the date of publication and the date set for such hearing. Such notice shall state the date, time and place of the hearing and shall contain a statement regarding the proposed change in regulations or restrictions or the zoning classification or zoning district boundaries of the property.

   The provisions of Neb. Rev. Stat. §19-904 relative to public hearings and official notice shall apply equally to all changes or amendments. In addition to the publication of the notice therein prescribed, a notice shall be posted in a conspicuous place on or near the property on which action is pending. Such notice shall not be less than 18 inches in height and 24 inches in width with a white or yellow background and black letters not less than one and one-half inches (1-1/2) in height. Such posted notice shall be so placed upon such premises that it is easily visible from the street nearest the same and shall be so posted at least 10 days prior to the date of such hearing. It shall be unlawful for anyone to remove, mutilate, destroy, or change such posted notice prior to such hearing. Any person so doing shall be deemed guilty of a misdemeanor.

   If the record title owners of any lots included in such proposed change be nonresidents of the municipality, then a written notice of such hearing shall be mailed by certified mail to them addressed to their last-known addresses at least ten days prior to such hearing.

   At the option of the legislative body of the municipality, in place of the posted notice provided above, the owners or occupants of the real estate to be zoned or rezoned and all real estate located within 300 feet of the real estate to be zoned or rezoned may be personally served with a written notice thereof at least 10 days prior to the date of the hearing, if they can be served with such notice within the county where such real estate is located. Where such notice cannot be served personally upon such owners or occupants in the county where such real estate is located, a written notice of such hearing shall be mailed to such owners or occupants addressed to their last-known addresses at least 10 days prior to such hearing.

4. Protests.
   In case of a protest against such change, signed by the owners of 20 percent or more either of the area of the lots included in such proposed change, or of those immediately adjacent on the sides and in the rear thereof extending 300 feet there from, and of those directly opposite thereto extending 300 feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of three-fourths (3/4) of all the members of the legislative body of such municipality.

   The provisions of this section in reference to notice shall not apply (1) in the event of a proposed change in such regulations, restrictions, or boundaries throughout the entire area of an existing zoning district or

of such municipality, or (2) in the event additional or different types of zoning districts are proposed, whether or not such additional or different districts are made applicable to areas, or parts of areas, already within a zoning district of the municipality, but only the requirements of Neb. Rev. Stat. § 19-904 shall be applicable.

Section 11.02 Zoning Administrator

The provisions of this Ordinance shall be administered and enforced by a Zoning Administrator as appointed by the City Council, who shall have the power to make inspection of buildings or premises necessary to carry out his or her duties in the enforcement of this Ordinance.

Section 11.03 Zoning Permits

The following shall apply to all new construction and all applicable renovations and remodels within Genoa's Zoning Jurisdiction:

11.03.01 It shall be unlawful to commence the excavation for the construction of any building, or any accessory buildings, or to commence the moving or alteration of any buildings, including accessory buildings, until the Zoning Administrator has issued a zoning permit for such work.

11.03.02 Issuance of a zoning permit. In applying to the Zoning Administrator for a zoning permit, the applicant shall submit a dimensioned sketch or a scale plan indicating the shape, size and height and location of all buildings to be erected, altered or moved and of any building already on the lot. He shall also state the existing and intended use of all such buildings, and supply such other information as may be required by the Zoning Administrator for determining whether the provisions of this Ordinance are being observed. If the proposed excavation or construction as set forth in the application is in conformity with the provisions of this Ordinance, and other Ordinances of the City then in force, the Zoning Administrator shall issue a zoning permit for such excavation or construction. If a zoning permit is refused, the Zoning Administrator shall state such refusal in writing, with the cause, and shall immediately thereupon mail notice of such refusal to the applicant at the address indicated upon the application. The Zoning Administrator shall grant or deny the permit within a reasonable time from the date the application is submitted. The issuance of a permit shall, in no case, be construed as waiving any provisions of this Ordinance. A zoning permit shall become void 12 months from the date of issuance unless substantial progress has been made by that date on the project described therein.

Section 11.04 Certificate of Zoning Compliance

No land or building or part thereof hereafter erected or altered in its use or structure shall be used until the Zoning Administrator shall have issued a certificate of zoning compliance stating that such land, building or part thereof, and the proposed use thereof, are found to be in conformity with the provisions of this Ordinance. Within three days after notification that a building or premises is ready for occupancy or use, it shall be the duty of the Zoning Administrator to make a final inspection thereof and to issue a Certificate of Zoning Compliance if the land, building, or part thereof and the proposed use thereof are found to conform with the provisions of this Ordinance, or, if such certification is refused, to state refusal in writing, with the cause, and immediately thereupon mail notice of such refusal to the applicant at the address indicated upon the application.

Section 11.05 Penalties

Pursuant to Neb. Rev. Stat. §19-913 (R.R.S.1997), the owner or agent of a building or premises in or upon which a violation of any provisions of this Ordinance has been committed or shall exist or lessee or tenant of an entire building or entire premises in or upon which violation has been committed or shall exist, or the agent, architect, building contractor or any other person who commits, takes part or assists in any violation or who maintains any building or premises in or upon which such violation shall exist, shall be guilty of a misdemeanor and shall be punished by a fine not to exceed 100 dollars for any one offense. Each day of non-compliance with the terms of this Ordinance shall constitute a separate offense.

Section 11.06 Remedies

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure, or land is used in violation of Neb. Rev. Stat. §§19-901 to 19-914 (R.R.S.1997), or this Ordinance, or any regulation made pursuant to said sections, the appropriate authorities of the City may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.

ARTICLE 12: COMPREHENSIVE PLAN RELATIONSHIP

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

ARTICLE 13: LEGAL STATUS PROVISIONS

Section 13.01 Severability
Should any article, section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 13.02 Purpose of Catch Heads
The catch heads appearing in connection with the foregoing sections are inserted simply for convenience, to serve the purpose of any index and they shall be wholly disregarded by any person, officer, court or other tribunal in construing the terms and provisions of this Ordinance.

Section 13.03 Repeal of Conflicting Ordinances
All ordinances or parts of ordinances in conflict with this Ordinance, or inconsistent with the provisions of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.

Section 13.04 Effective Date
This Ordinance shall take effect and be in force from and after its passage and publication according to law.

ADOPTED AND APPROVED by the Governing Body of Genoa, Nebraska,

This _____day of _____, 2012.

(Seal)

ATTEST: _____ _____
City Clerk Mayor