

ORDINANCE NO. 4674

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, TO AMEND SECTIONS 34-103, 34-200, 34-403 AND 34-404 OF THE OFFICIAL CITY CODE OF THE CITY OF HASTINGS, NEBRASKA, TO PROVIDE FOR A TEMPORARY USE PERMIT AND TO ALTER THE USES AND DISTRICT TABLE; TO REPEAL ANY ORDINANCE IN CONFLICT HEREWITH; TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF HASTINGS, NEBRASKA:

SECTION 1. That Section 34-103 of the Official City Code of the City of Hastings, Nebraska, be and the same is here by amended to read as follows:

**34-103. General definitions.**

All words and phrases shall have their ordinary and customary meanings unless the context of the word or phrase indicates otherwise. The following terms shall have the meaning given below, unless the context of the use of the term clearly indicates otherwise based on the stated intent or other guidance associated with its use in a particular section of these regulations.

*Abutting.* Immediately adjacent and shall not include property separated by an alley or a street.

*Accessory building.* A subordinate building located on the lot occupied by the principal building and having a use customarily incident to the main use of the property. A building housing an accessory use shall not be considered an accessory building when it has any part of a wall in common with the principal building, or is under an extension of the main roof, and designed as an integral part of the principal building.

*Accessory use.* A use of a building or land which is customarily incident and subordinate to and located on the same lot as the principal use of the lot.

*Acoustic rating.* A measure of sound-deadening quality of a wall or ceiling-floor assembly.

*Adjacent.* Within close proximity, property separated by a street, alley, stream or other ownership physical separation between properties.

*Adult.* Any person 19 years of age or older.

*Alley.* A minor way which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

*Alteration.* Any addition, removal, extension or change in the location of any exterior wall of a main building or accessory building.

*Antenna, receiving.* Any structure or device use for the purpose of receiving radio, television, radar microwave, or other broadcast signals.

*Area, building.* The total of areas taken on a horizontal plane at the main grade level of the principal and all accessory buildings or structures exclusive of steps.

*Arterial street.* A street designed and intended to carry traffic from residential and collector street systems to major highways. Arterials are designated by class on the official streets and highways plan.

*Basement.* That portion of a building between floor and ceiling which is partly below and partly above grade but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling.

*Block.* A piece or parcel of land entirely surrounded by public highways or streets, other than alleys and identified as such a plat or other official document. In cases where the platting is incomplete or disconnected, the building inspector shall determine the outline of the block.

*Broadcast or antenna tower.* A structure for the transmission or broadcast of radio, television, radar, or microwaves which exceeds the maximum height permitted in the district in which it is located.

*Building.* A structure designed or intended for the enclosure, shelter, or protection of persons, animals, chattels, or property. Buildings connected by a breezeway shall be deemed separated buildings.

*Building, height of.* The vertical distance from the average elevation of the finished 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 gable of a pitch or hip roof. See Exhibit No. 1, Appendix A.

*Building, principal.* A building in which is conducted the main use of the lot on which the building is situated.

*Camping trailer.* A vehicular portable unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use.

*Campus.* A ten-acre or larger tract of land that has been planned, developed and operated as an integrated group of buildings or structures with compatible supporting ancillary uses with special attention given to vehicular traffic circulation and parking, pedestrian access and movement, utility needs, and a consistent theme of aesthetics associated with buildings and grounds.

*Caregiver quarters.* A caregiver quarters shall mean an accessory residential structure located on the same lot or tract as the principal residence. Caregivers shall include nannies/caretakers/caregivers/servants of immediate family members, but shall not include other domestic workers.

*Cellar.* That portion of a building between floor and ceiling which is wholly or partly below grade and so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling.

*Collector street.* A street designed and intended to carry traffic from residential street systems to arterial or major highway systems.

*Common wall.* A wall or walls extending from the basement or ground floor line of a building to the roof along a lot line, which lot line is common to an adjoining lot.

*Comprehensive plan.* The Comprehensive Development Plan of the City of Hastings.

*Conditional use.* A provision which allows for flexibility within the zoning district by permitting certain specified uses in zoning districts where such uses are generally considered appropriate, but only after additional controls and safeguards are applied to ensure their compatibility with permitted principal uses.

*Court.* An open, unoccupied space, other than a yard, bounded on three or more sides by exterior walls of a building, or by exterior walls of a building and lot lines on which walls are allowable.

*Condominium.* Individual ownership of a unit within a multi-unit structure, and an equal undivided interest in the common areas and lands associated with the structure.

*Curb level.* The mean level of the curb in front of the lot, or in case of a corner lot, along that abutting street where the mean curb level is the highest.

*Density.* The number of dwelling units per gross acre in any residential development.

*District.* A section or sections of either the City of Hastings or area within two miles thereof for which regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use are uniform.

*Dwelling.* A building designed or the principal use of which is as living quarters providing independent and complete cooking, living, sleeping and toilet facilities for a single housekeeping unit.

*Family.* One or more persons immediately related by blood, marriage, or adoption and living as a single housekeeping unit in a dwelling shall constitute a family. A family may include, in addition, not more than five persons who are unrelated for the purpose of this title. The following persons shall be considered related for the purpose of this title:

- (1) A person residing with a family for the purpose of adoption.
- (2) Not more than six persons under 19 years of age, residing in a foster home licensed or approved by the State of Nebraska.
- (3) Not more than three persons 19 years of age or older residing with a family for the purpose of receiving foster or supervised care licensed or approved by the State or its delegate.
- (4) Any person who is living with a family at the direction of a court.

*Fence.* See Section 34-305 under supplementary district regulations.

*Fifth-wheel trailer.* A unit mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, of such size or weight as not to require a special highway movement permit, of gross trailer area not to exceed four hundred thirty square feet in the setup mode, and designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the tow vehicle's rear axle.

*Flagpole.* A flagpole shall mean a narrow extension of property which is attached to and constitutes a part of a flag lot, which property provides access from the public right-of-way to the buildable portion of the flag lot. A flagpole shall be at least 20 feet in width and must meet all requirements of the Fire Code of the City as a fire apparatus access road. When located in the City of Hastings, Nebraska, a flagpole shall be not more than 200 feet in length. When located outside the City of Hastings, Nebraska but within the zoning jurisdiction of said City, a flagpole shall be not more than 400 feet in length.

*Flood plain.* Those lands which are designated as flood plain on the official flood way boundary maps of the City of Hastings.

*Floor area ratio.* Floor area ratio is defined as the maximum gross floor area of a building on a lot or parcel, divided by the area of the lot or parcel. (F.A.R. of 2.0 provides for 28,000 gross sq. ft. of building on a lot with an area of 14,000 sq. ft.)

*Grade.* The average finished ground level adjoining the building at all exterior walls.

*Gross area.* The total site area, excluding bodies of water, to be included within a proposed development as indicated on a site plan.

*Gross floor area.* The total horizontal area of all of the floors of a building, measured from exterior to exterior including interior balconies, mezzanine, stairwells, elevator shafts and ventilation shafts, etc.

*Gross leasable floor area.* The total floor area designed for tenant occupancy and exclusive use; including basements, mezzanines and upper floors, if any, but excluding stairways, common hallways and mechanical equipment rooms, expressed in square feet measured from the centerline of joint partitions, and from the exterior surface of outside walls.

*Height of yard or court.* The vertical distance from the lowest level of such yard or court to the highest point of any boundary wall.

*Landscaping.* Landscaping shall mean that an area is predominately devoted to, and maintained for, the growing of trees, shrubbery, lawns and other plant materials.

*Lot.* A parcel of land occupied or to be occupied by one main building, or unit group of buildings, and the accessory buildings or uses customarily incident thereto, including such open spaces as are required under this chapter, and, except for a flag lot as defined in this chapter, having its principal frontage upon a public street or approved place. A lot as used herein may consist of one or more platted lots, or tract or tracts, as conveyed or parts thereof, and shall include a flag lot.

*Lot, corner.* A lot abutting upon two or more streets, at their intersection. A corner lot shall be deemed to front on that street on which it has its least dimension, unless otherwise specified by the Building Inspector.

*Lot, flag.* A flag lot shall mean a lot which does not have the required frontage on a public street and which is located adjacent to a lot which does have the required frontage on a public street. A flag lot shall include a projection, or "flagpole", which connects the flag lot to the public right-of-way, which flagpole shall meet the requirements set forth in this chapter under the definition of flagpole. The flagpole on a flag lot need not meet the minimum lot width requirements set forth in these regulations, but the remaining portion of a flag lot, exclusive of

the flagpole, must meet all lot width, front and rear yard setbacks and all other requirements the same as if it were not a flag lot.

*Lot coverage of building.* That percentage of the total lot area covered by buildings.

*Lot, double frontage.* A lot having a frontage on two non-intersecting streets as distinguished from a corner lot.

*Lot, interior.* A lot whose side lines do not abut upon any street.

*Lot depth.* The mean horizontal distance from the front lot line to the opposite rear lot line.

*Lot in separate ownership at the time of the passage of this chapter.* A lot the boundary lines of which along their entire length touched lands under other ownership as shown by plat or deed recorded in the office of the Register of Deeds of the County on or before August 26, 1968.

*Lot lines.* The lines bounding a lot as defined herein.

*Lot line, front.* The boundary between a lot and the street on which it fronts, provided that for a flag lot, the front lot line shall mean the closet line which is approximately parallel to the public right-of-way or approved place, at the end of the flag pole farthest away from the public right-of-way.

*Lot line, rear.* The boundary line which is opposite and most distant from the front lot line; except, that in the case of uncertainty the building inspector shall determine the rear lot line.

*Lot line, side.* Any lot boundary not a front or rear line thereof. A side line may be a party lot line, a line bordering on an alley or place or a side street line.

*Lot width.* The distance between straight lines connecting front and rear lot lines at each side of the lot, measured between the midpoints of such lines, provided that such measurement shall not extend beyond the lot lines of the lot being measured.

*Lot of record.* A lot which is part of a subdivision, the plat of which has been recorded in the office of the Register of Deeds for Adams County on or before August 26, 1968 unless another date is specifically established in this chapter, provided that said lot has a frontage of not less than 50 feet; or, an irregular tract lot as described by a deed recorded with the Register of Deeds for Adams County on or before August 26, 1968 unless another date is specifically established in this title, provided that such lot is numbered and described by the county surveyor.

*Lot, platted.* A lot which is part of a subdivision the plat of which, or the appropriate permit for which, has been legally approved and recorded in the office of the Register of Deeds for Adams County.

*Lot, transverse.* A lot which is approximately at right angles to the general pattern of other lots in the same city block.

*Mobile vendor.* A transient business selling or delivering food or goods in the city with an approved temporary use permit (TUP) lasting for durations of more than 14 consecutive days and up to 180 in the same location. The Development Services Director or designee can grant time extensions to this duration on a case-by-case basis. This TUP must be renewed annually.

*Motor home.* A vehicular unit primarily designed to provide temporary living quarters which are built into an integral part of, or permanently attached to, a self-propelled motor vehicle chassis or van, containing permanently installed independent life-support systems that meet the

state standard for recreational vehicles and providing at least four of the following facilities: Cooking; refrigeration or ice box; self-contained toilet; heating, air conditioning, or both; a potable water supply system including a faucet and sink; separate one-hundred-twenty-nominal-volt electrical power supply; or LP gas supply.

*Non-commercial vehicles and equipment.* The term non-commercial vehicles and equipment as applied in the residential off-street parking requirement sections of this Chapter shall include automobiles and pick-up trucks which are operated or owned by the residents of a dwelling and used in the course of their business or employment.

*Nonconforming use, building or yard.* A use, building or yard, which does not, by reason of design, use, or dimensions, conform to the regulations of the district in which it is situated. It is a legal nonconforming use if established prior to establishment of a zoning ordinance prohibiting the same.

*Parking area.* A structure or an open area other than a street, alley or other right-of-way for the temporary storage of automobiles, together with a driveway connecting the parking area with a street or alley and permitting ingress and egress for an automobile, provided that there shall be no storage of automobiles for the purpose of sale or resale. The minimum dimensions of each parking space shall be eight and one-half by 20 feet.

*Parking lot.* A parking area with six or more parking spaces.

*Parking space, off-street.* A parking area located off any street, alley or other right-of-way which is adequate for parking an automobile with room for opening both doors and adequate maneuvering room on a parking area with access to public street or alley. See Exhibit No. 3, Appendix A.

*Park trailer.* A vehicular unit which meets the following criteria: 1) Built on a single chassis mounted on wheels; 2) Designed to provide seasonal or temporary living quarters which may be connected to utilities necessary for operation of installed fixtures and appliances; 3) Constructed to permit setup by persons without special skills using only hand tools which may include lifting, pulling, and supporting devices; and 4) Having a gross trailer area not exceeding four hundred thirty square feet when in the setup mode.

*Place.* An open, unoccupied space other than a street or alley permanently established or dedicated as the principal means of access to property abutting thereon.

*Premises.* A tract of land, consisting of one platted lot or irregular tract, or more than one platted lot or irregular tract, provided such lots or tracts are under common ownership and abutting each other.

*Planned unit development.* A use or combination of uses, the plan for which may not conform to the regulations established in any one or more zoning districts with respect to lot size, bulk, type of use, density, lot coverage, height or required open space for which a conditional use permit may be granted by the City Council.

*Profession.* An occupation or calling requiring the practice of a learned art through specialized knowledge based on a degree issued by an institute of higher learning, e.g. doctor of medicine, engineer, lawyer.

*Property line.* A demarcation line dividing a lot from other lots or parcels of land.

*Recreational vehicle.* A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which unit either has its own motive power or is mounted on or towed by another vehicle. Recreational vehicles shall include, but not be limited to, travel trailer, park trailer, camping trailer, truck camper, motor home, and van conversion, as defined in Nebraska Revised Statutes § 71-4603, as amended in 2012.

*Recreational vehicle, temporary use.* A vehicle which is manufactured, constructed, or equipped primarily for use as a self-propelled home, house car, or mobile living quarters, capable of being legally operated on the highways, and containing permanently installed essential living facilities for intermittent or longer-term temporary stays of up to 180 days or more. This term shall not include any towed utility trailer, camping trailer, truck camper, van conversion nor shall it include any vehicle defined in the license and registration laws as an automobile or passenger. Types of recreational vehicles that would be capable of attaining a temporary use permit (TUP) are fifth wheel trailers, motor homes, park trailers and travel trailers. All recreational vehicles being allowed for longer-term temporary stays of up to 180 days or more in mobile home parks and/or Recreational vehicle parks must apply for a TUP and demonstrate an economic development need for such use as stipulated in Section 34-404 (14). A TUP will last for durations of 180 days. The Development Services Director or designee can grant time extensions to this duration on a case-by-case basis. A TUP is an annual permit and must be renewed yearly.

*Recreational vehicle park.* A lot or parcel of land designated for legal use as a campground and/or recreation vehicle park on which two or more recreational vehicles are parked, or any lot or parcel of land on which unoccupied recreational vehicles, camping trailers, recreational park trailers or campers, whether new or used, are parked for the purposes of inspection, sale, storage or repair.

*Residential street.* A street designed and intended to serve residential areas. Residential streets feed traffic into collector and arterial street systems.

*Restaurant.* A place where people pay to sit and eat meals that are cooked and served in a structure that sits on a foundation.

*Sign.* Any lettered or pictorial device designed to inform or attract attention including but not limited to the following:

- (1) *Sign, surface area.* The entire areas within a parallelogram triangle, circle, semicircle or other geometric figure, including all of the elements of the matter displayed, but not including black masking, frames, or structural elements outside the advertising elements of the sign and bearing no advertising material.
- (2) *Indirectly illuminated sign.* Any sign which is partially or completely illuminated at any time by a light source which is so shielded as to not be visible at eye level.
- (3) *Semi-illuminated sign.* Any sign located on a building, which building face is uniformly illuminated over its entire area, including the area of the sign, by use of electricity or other artificial light. Semi-illuminated signs shall be permitted in any location where illuminated signs are permitted.

- (4) *Detached sign.* Any sign located on the ground or on a structure located on the ground and not attached to a building.
- (5) *Wall sign.* Any sign attached to and erected parallel to and within one foot of the face or wall of building, including signs painted on the walls of the buildings.
- (6) *Roof sign.* Any sign erected, constructed and maintained wholly upon or over the roof of a building and having the roof as a principal means of support.
- (7) *Projecting sign.* Any sign extending more than one foot from the face of the building to which it is attached. A time and temperature instrument mounted on the face of a building shall be included in this definition.
- (8) *Snipe sign.* Any sign of a material such as cardboard, paper, pressed wood, plastic or metal which is attached to a fence, tree, utility pole or temporary structure, or any sign which is not securely fastened to a building, or firmly anchored to the ground.
- (9) *Marquee sign.* Any sign attached flat against the marquee or permanent sidewalk canopy of a building, or suspended under a marquee or sidewalk canopy, and extending downward not more than 12 inches therefore.
- (10) *Poster panel or billboard.* An illustration of approximate dimension of 12 feet by 24 feet or multiples thereof, mounted on a semi-permanent structure, and depicting information not directly related to the property upon which it is placed.
- (11) *Attention attracting device.* Any flasher, blinker, animation, banner, clock or other object designed or intended to attract the attention of the public to an establishment or to a sign.

*Spot zoning.* Arbitrary and unreasonable zoning when smaller area is singled out of a larger area or district and specially zoned for a use classification totally different and inconsistent with the classification of surrounding land and not in accordance with the Comprehensive Plan.

*Story.* That part of a building included between the surface of one floor and the surface of the floor next above, or if there be no floor above, that part of the building which is above the surface of the highest floor thereof. A top story attic is a half story when the main line of the eaves is not above the middle of the interior height of such story. The first story is the highest story having its interior floor surface not more than four feet above the curb level, established or mean street grade, or average ground level, as mentioned in "height of buildings" of this section.

*Story, half.* A story under a gable, hip, gambrel or mansard roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story.

*Street.* A thoroughfare which affords principal means of access to property abutting thereon.

*Street line.* The dividing line between the street and the abutting property.

*Street centerline.* A line midway between street lines.

*Street commercial area.* A developed business frontage along a street and no more than 200 feet in depth from the front property line.

*Structural alterations.* Any alteration involving a change in or addition to the supporting members of a building, such as bearing walls, columns, beams or girders.



*Structure.* Anything which is constructed or erected and located on or under the ground, or attached to something fixed to the ground.

*Travel trailer.* A vehicular unit mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use of such size or weight as not to require special highway movement permits when towed by a motorized vehicle and of gross trailer area less than four hundred thirty square feet.

*Temporary Structure.* Means any structure designed, constructed, installed and/or intended to be dismantled by the Contractor, including (but not limited to) a shed, booth, building or enclosure of any kind used for commercial or business purposes and which any person or business intends to place on the same lot with or on any lot adjacent to, any permanent structure used for business or commercial purposes. These structures will require location on the ground or attachment to something having a temporary, non-permanent location on the ground; and may be associated with, and ancillary to, a temporary use with a permit for durations of 180 days or less. The Development Services Director or designee can grant time extensions to this duration on a case-by-case basis.

*Truck camper.* A portable unit constructed to provide temporary living quarters for recreational, travel, or camping use, consisting of a roof, floor, and sides and designed to be loaded onto and unloaded from the bed of a pickup truck.

*Usable open space.* Open space within a proposed development site excluding areas devoted to roadways and parking. At least one-half of all areas designated as usable open space shall have a slope of less than 20 percent.

*Van conversion.* A completed vehicle permanently altered cosmetically, structurally, or both which has been recertified by the state as a multipurpose passenger vehicle but which does not conform to or otherwise meet the definition of a motor home in this section and which contains at least one plumbing, heating, or one-hundred-twenty-nominal-volt electrical component subject to the provisions of the state standard for recreational vehicles. Van conversion does not include any such vehicle that lacks any plumbing, heating, or one-hundred-twenty-nominal-volt electrical system but contains an extension of the low-voltage automotive circuitry.

*Yard.* A required open space on the same lot unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded lot upward, provided, however, that fences, walls, poles, posts and other customary yard accessories, ornaments and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

*Yard, front.* A yard extending the full width of the lot across the front of a lot adjoining a public street.

*Yard, interior side.* A side yard which is not adjacent to or bordered by a street, avenue or other public right-of-way.

*Yard, rear.* A yard between the rear lot line and the rear line of the main building and the side lot lines.

*Yard, side.* A yard between the main building and the adjacent side line of the lot, and extending entirely from a front yard to the rear yard.

**SECTION 2.** That Section 34-200 of the Official City Code of the City of Hastings, Nebraska, be and the same is here by amended to read as follows:

**34-200. Uses and Districts table.**

TABLE 200-1: USES AND DISTRICTS														
	A	R-1	R-1A	R-1S	R-2	R-3	R-4	C-O	C-1	C-2	C-3	CMP	I-1	I-2
<b>Residential Uses</b>														
Detached dwelling	P	P	P	P	P	P	P	P	P		P			
Semi-attached dwelling					P	P	P	P	P		P			
Attached dwelling						P	P	P	P		P			
Multi-dwelling building						P	P	P	P		P			
Live/Work units							P	P	P	P				
Mixed-use dwelling							C			P		P		
Group housing		C	C	C	C	C	C				C			
Type A & B Manufactured housing	P	P	P	P	P	P	P	P	P		P			
Mobile home court	C												C	C
Mobile home, accessory	C													
Detached dwelling, accessory	C													
<b>Civic Uses</b>														
Assembly, neighborhood	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Assembly, community								C	C	C	C	C	C	C

	A	R-1	R-1A	R-1S	R-2	R-3	R-4	C-O	C-1	C-2	C-3	CMP	I-1	I-2
Eleemosynary or philanthropic institution.						C		C	C	P	P	P		
Golf course/Clubhouse (non-business)	P	P	P	P		C						P		
Public park/Playground	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Public museum or library	P	P	P	P	P	P	P	P	P	P	P	P	P	P
School, elementary	P	P	P	P	P	P	P	P	P			P		
School, secondary	R	R	R	R	R	R	R	R	R			P		
School, college or university	P					P						P		
Recreational Vehicle Park	C										C		C	C
Recreational Vehicle, Temporary Use	R										R		R	R
Temporary Structure, Temporary Use	P	R	R	R	R	R	R			P	P	P	P	P
<b>Service Uses</b>														
Adult care, home	C	C	C	C	C	C	C	C	C	C	C	P		
Adult care facility								P	P	P	P	P		
Automobile service station, limited								C	P	P	P	P	P	P
Automobile service station, general											P	P	P	P
Automobile service station, large-scale											P	P	P	P
Automobile repair, limited								C	C	C	P	P	P	P
Automobile repair, general										C	P		P	P
Bank								P	P	P	P	P	P	P
Child care, home	R	R	R	R	R	R	R	R	R	R	R	P		

	A	R-1	R-1A	R-1S	R-2	R-3	R-4	C-O	C-1	C-2	C-3	CMP	I-1	I-2
Child care facility					R	R		P	P	P	P	P	P	P
Halfway house, quasi-institutional use													C	C
Kennel, commercial	C										C		C	C
Lodging, bed and breakfast	C	C	C	C	C	C	C	C	C	C				
Lodging, rooming house						C			P	P	P	P		
Lodging, hotel										P	P	P	P	P
Lodging, motel											P	P	P	P
Medical office	C							P	P	P	P	P		
Medical clinic	C							P	P		P	P	C	C
Medical hospital	C							P	P			P	C	C
Nursing home/Assisted living	C	C	C	C	C	C	C	P	P	C	P	P		
Professional services office								P	P	P	P	P	P	P
Self storage, storage areas								C		R	C		C	C
Veterinary office	P							P	P	P	P		P	P
Veterinary Hospital	P										C		C	C
<b>Employment Uses</b>														
Home occupation.	R	R	R	R	R	R	R	R	R	R	R			
Office, limited						C	C	P	P	P	P	P	P	P
Office, small							C	P	P	P	P	P	P	P
Office, general									C	P	P	P	P	P

	A	R-1	R-1A	R-1S	R-2	R-3	R-4	C-O	C-1	C-2	C-3	CMP	I-1	I-2
Office complex/ Campus										C	P	P	P	P
<b>Commercial and Retail Uses</b>														
Convenience retail, automobile (< 5K s.f.)								C			P	P	P	P
Convenience retail, corner store (< 2K s.f.)							C	P	P	P	P	P	P	P
Neighborhood retail (< 5K s.f.)									P	P	P	P	P	P
General retail (5K s.f.—20K s.f.)										P	P	C	P	P
Large-scale retail (20Ks.f.—100K s.f.)										C	P	C	P	P
Warehouse retail (> 100K s.f.)											P		P	P
Neighborhood grocery (< 45K s.f.)									P	P		P		
Supermarket (> 45K s.f.)											P	C	P	P
Indoor entertainment & Rec. business										P	P	C	P	P
Outdoor entertainment & Rec. business	C										C	C	C	C
Entertainment venue	C									C	C	C	C	C
Outdoor sales, limited									C	P	P	P	P	P
Outdoor sales, seasonal									C	C	C	C	C	C
Outdoor sales, yard											P		P	P
Mobile Vendor, Temporary Use										R	R	R	R	R
Outdoor market (Farmers market)										P				
Restaurant									P	P	P	P	P	P
<b>Industrial Uses</b>														

	A	R-1	R-1A	R-1S	R-2	R-3	R-4	C-O	C-1	C-2	C-3	CMP	I-1	I-2
Grain storage elevator	P												P	P
Manufacturing, limited								C	C	C	P	P	P	P
Manufacturing, light										C	C	C	P	P
Manufacturing, general													P	P
Manufacturing, heavy														P
Impound yard													C	C
Recycling collection and processing													C	P
Salvage yard/ Junkyard													C	C
Slaughter house/Meat packing	C													C
Storage or sale of liquid petroleum	C													P
Warehouse storage/Bulk storage	C												P	P
Wholesale													P	P
<b>Agriculture and Natural Resource Uses</b>														
Agriculture, Limited	R		R											
Agriculture, general	P													
Aquaculture	C													
Feed lot	C													
Natural resource extraction	C													
Nursery	P	C	C									P		P
Stable, public	P											P		P

	A	R-1	R-1A	R-1S	R-2	R-3	R-4	C-O	C-1	C-2	C-3	CMP	I-1	I-2
<b>Public Service Users</b>														
Air field	C	C	C	C										C
Heli-stop	C	C	C	C				C	C				C	C
Public parking lot						C	C	C	C	C	C	C	C	C
Public recreation grounds	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Public utility plant	C												C	C
Public utility sub-station	C	C	C	C	C	C	C	C	C	C	C		C	C
Cemetery	C									C	C		C	
Small wind energy systems	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Large scale wind generator (Wind farms)	C												C	C
Telecommunication facilities and support structures	C							C	C	C	C	C	R	R

**Key:**

P = Permitted, allowed subject to general district standards

R = Restricted, allowed subject to specific use standards

C = Conditional, allowed subject to discretionary review

\* Permitted use within the A District outside the City Limits, conditional use within A District within the City Limits.

**SECTION 3.** That Section 34-403 of the Official City Code of the City of Hastings, Nebraska, be and the same is here by amended to read as follows:

**34-403. Application requirements.**

- (1) Applications for a conditional use permit shall be submitted to the Development Services Department at least three weeks prior to the Planning Commission's scheduled monthly meeting date. The application shall be signed by the property owner as indicated on the Adams

County Register of Deeds Office records at the time of application. The application shall be submitted on forms provided by the Development Services Department and shall be accompanied by the following, unless waived by the Department:

- (a) A site plan drawn to scale indicating the property location, scale, north point, adjacent property for a distance of 300 feet, location of all buildings and uses within the site, access points and traffic circulation.
  - (b) Existing and proposed topographic contours.
  - (c) Detailed site development plans.
  - (d) Detailed building plans, including elevations.
  - (e) Site profiles and drainage plans.
  - (f) Detailed parking and landscaping plans.
  - (g) Detailed underground utility plans.
  - (h) Other graphic materials necessary to fully depict the proposed development.
- (2) A detailed narrative statement shall be submitted with the application for the conditional use permit. Such narrative shall explain the intent of the project, the factors which make the project desirable to the general public and to the surrounding areas, the features and details of the project development, schedule and timing of the development program, and any material or information which the applicant believes to be relative to the case. Where it deems necessary, the Commission or the City Council may require, in addition to the narrative statement:
- (a) Marketability or economic feasibility studies.
  - (b) Geologic or soil boring and test.
  - (c) Traffic counts in the area.
  - (d) Other detailed technical material as necessary to fully explain the proposed development.
- (3) Upon approval of the conditional use permit by the Hastings City Council, development shall be completely in accordance with the approving plan. Minor revisions to the plan may be approved by the Planning Commission following the public hearing.
- (a) Major revisions to the plan are subject to the same public hearing requirements by the Planning Commission and the Hastings City Council as required for the original conditional use permit.
- (4) The Council may require landscaping and planting as necessary to preserve compatibility with the surrounding area. If required, the conditional use permit shall contain provisions for permanent maintenance of the landscaping and/or planting.
- (5) In any case where the Council determines that the design of a proposed structure may affect the compatibility of a proposed development with the area in which it is proposed to be located, the Council may require changes in the design or may reject the proposed development if no suitable correction can be made.



- (6) All buildings, structures and activities, including permitted uses proposed within a conditional use permit development plan application, shall be analyzed with respect to minimum yard requirements maximum lot coverage, and maximum height limitations, in relationship to the development concept as a complete and functional unit. General requirements for each use should be based upon zoning districts where such uses are permitted as a matter of right. However, every use should comply with the general requirements of this Chapter, including but not limited to signs, off-street parking and loading, and temporary uses.
- (7) The Hastings City Council in approving a conditional use permit development plan may at its option relax the minimum dimensional requirements of this Chapter, when the Council finds such variances are in the best interest of the total development plan, will not adversely affect adjacent property and the public health, safety and general welfare of the community are not compromised. The Council shall not allow a use under this section which is not permitted as a permitted principal use, a permitted accessory use or as a conditional use under the schedule of district regulations for the zoning district in which the property is located.
- (8) The Hastings City Council shall require adequate guarantee of compliance in approving all conditional use permits. Such guarantee may be a performance bond in the total amount necessary to assure compliance, such bond to be reduced as stages of construction are completed and the public liability for assuring compliance is correspondingly reduced. Alternatively or in concert with a bond, such guarantee may be a stipulation in the event of the applicant's failure to comply, authorizing the City to take the steps necessary to assure compliance, including performing the construction or maintenance itself, and charge all costs thereof as an assessment against the property.
- (9) The Development Services Department staff shall submit a written report to the Planning Commission and the Hastings City Council with findings as to how the application complies with the requirements of this Chapter. No permit should be approved until the Hastings City Council is satisfied all requirements of this Chapter have been met.
- (10) Concept tentative approval. Applications for a conditional use permit shall be for either concept approval or final approval. Applications for concept approval may be accompanied by schematic preliminary design plans rather than detailed final design construction plans.
  - (a) Concept approval shall be valid for a period not to exceed 18 months unless otherwise extended after additional public hearings by both the Planning Commission and the Hastings City Council.
  - (b) No construction shall take place on the site until final approval has been granted by the Hastings City Council unless expressly authorized by the Council at the time of concept approval. In which case said construction shall be limited to incidental site grading, not including excavation for building sites or water retention areas.

**SECTION 4.** That Section 34-404 of the Official City Code of the City of Hastings, Nebraska, be and the same is here by amended to read as follows:

**34-404. Specific standards for conditional uses.**

- (1) *Hospitals, sanitariums, convalescent centers, nursing or rest homes, rehabilitation centers, correctional institutions, psychiatric institutions and similar institutions.*

- (a) The site shall have direct access from a street or avenue of City arterial street or greater designation on the City's major thoroughfares plan depicted in the Comprehensive Plan. This standard may be waived by the Hastings City Council if the Council finds such waiver is in the best interest of the total development plan, will not adversely affect adjacent property and existing uses thereon, and does not compromise the public health, safety and general welfare of the community.
- (b) A site plan, drawn to scale, shall be provided with the application for the conditional use permit. Such site plan shall show the location of all buildings and structures on the site, ingress and egress points, circulation patterns, parking areas, including the total number of parking spaces provided, and a general description of the building uses.
- (c) Minimum lot size:
  - 1—10 beds ½ acre (21,780 sq. ft.)
  - 11—20 beds 1 acre (43,560 sq. ft.)

For each add'l ½ acre (or greater if ten beds required by the City Council)
- (d) Minimum yard requirements—The City Council may specify such yard requirements as in its judgment will adequately protect the integrity of surrounding areas and uses.
- (e) Maximum lot coverage by all buildings—20 percent.
- (f) Maximum height of structures—Same as required for permitted uses in the zoning district where the site is located.
- (g) Off-street parking—Adequate off-street parking shall be provided in connection with any permitted use. The minimum for each use to be as provided in Section 34-308(2) and Table 308-1 Required Automobile Parking.
- (h) Landscaping—All areas of the site not devoted to buildings, structures, parking areas, walkways or driveways shall be covered with one or more of the following: asphaltic compound or concrete, lawn grass, natural or ornamental shrubbery, trees, or other approved landscaping material.
- (i) Walls and screening—Where it deems necessary, the City Council may require that the site be fully enclosed by a wall or fence to prevent casual access to and from the site, or that the periphery of the site be suitably screened by evergreen planting or by other natural planting of sufficient height and density to provide and maintain a year-round visual screen. If the conditional use permit is granted, the wall or screening which is approved shall be fully constructed, inspected and approved by the Development Services Director prior to occupancy.

(2) *Churches and other places of religious worship.*

- (a) The site shall have direct access from a street or avenue of City arterial street or greater designation on the City's major thoroughfares plan depicted in the Comprehensive Plan.
- (b) A site plan, drawn to scale, shall be provided with the application for the conditional use permit. Such site plan shall show the location of all buildings and structures on the

site, ingress and egress points, circulation patterns and the total number of parking spaces provided.

- (c) The minimum lot size for a church in any district where they are permitted as a conditional use shall be 14,000 square feet, minimum lot width shall be 100 feet.
  - (d) Minimum yard requirements—The City Council may specify such yards as in its judgment will adequately protect the integrity of surrounding areas and uses, provided that no yard shall be less than required for the district in which the property is located.
  - (e) Maximum lot coverage—Same as is required for permitted uses in the zoning district where the site is to be located.
  - (f) Maximum height of structures—Same as is required for permitted uses in the zoning district where the site is located.
  - (g) Off-street parking—At least one parking space shall be provided for each three occupants based upon maximum seating capacity of the nave, or for each three occupants based upon the maximum seating capacity of all meeting areas in the structure exclusive of the nave (whichever is greater) as calculated under the latest edition of the International Building Code which has been adopted by the City. Parking spaces shall be at least eight and one-half feet by 20 feet in size, and all driveways, maneuvering areas and parking areas shall be covered with asphaltic or concrete pavement.
  - (h) Landscaping—All areas of the site not devoted to buildings, structures, parking areas, walkways or driveways shall be covered with one or more of the following: lawn grass, natural or ornamental shrubbery or trees or other approved landscaping materials.
  - (i) Accessory uses such as day nurseries and kindergartens must be approved in the original application or by subsequent amendment to the conditional use permit.
  - (j) Signs. Signage for churches shall be as permitted for a civic or commercial use in the district in which they are located. Any increase beyond that which is allowed within the district in which the church is located shall require specific approval through a conditional use permit application or amendment.
- (3) *Natural resource extraction.*
- (a) A site plan, drawn to scale, shall be submitted with any application for a conditional use permit. Such site plan shall show the following information:
    - (i) Graphic (and legal) description of the petition area.
    - (ii) Existing topographic contours (not less than ten foot contour intervals).
    - (iii) Finished topographic contours when extraction is completed (not less than ten foot contour intervals).
    - (iv) Existing and proposed buildings and structures on the site.
    - (v) Principal access points which will be used by trucks, and equipment including ingress and egress points and internal circulation.
    - (vi) Indication of the existing landscape features.

- (vii) Location and nature of other operations, if any, which are proposed to take place on the site.
- (b) A narrative statement shall also be submitted with the application for a conditional use. Such narrative shall set forth in detail the following definitive information.
  - (i) Method of drainage.
  - (ii) Method of fencing or barricading the petition area to prevent casual access.
  - (iii) Estimated amount of material to be removed from the site.
  - (iv) Estimated length of time necessary to complete the operation.
  - (v) Description of operations or processing which will take place on the site during and after the time the material is extracted.
  - (vi) Plan or program of regrading and shaping the land for future use.
  - (vii) Proposed hours of operation.
  - (viii) Other pertinent information that may pertain to the particular site.
- (c) General requirements.
  - (i) Principal access to the site shall minimize the use of residential streets, and access roads shall be treated in a manner so as to make them dust free; further, where access roads intersect arterial streets, suitable traffic controls shall be established.
  - (ii) A strip of land at the existing topographic level, and not less than 15 feet in width, shall be retained at the periphery of the site wherever the site abuts a public right-of-way. That periphery strip shall not be altered except for access points.
  - (iii) All banks shall be left with a slope ratio of no greater than 4:1 (25 percent slope) unless it can be shown to the Planning Commission's satisfaction that a greater slope is not detrimental to the beneficial future use of the subject property.
  - (iv) Sufficient attention should be paid to drainage of the site, both during the extraction period and after the site has been regraded. Where a finished grading plan indicates that surface water will be conducted from the site onto adjacent lands, the plan will be subject to the approval of the Public Works Department.
  - (v) During periods of inactivity, the owner of the pit shall take whatever precautions as are necessary to prevent the site from becoming an attractive nuisance.
- (4) *Junk yards.*
  - (a) The term "junk yard" shall include, for the purposes of this section, the terms auto-wrecking yard and salvage or scrap yard.
  - (b) All junk yards, in addition to the conditions implied herein, shall comply with the provisions of Chapter 18 of the Hastings City Code.
  - (c) General requirements:
    - (i) The proposed site shall not be located within 500 feet of any school, hospital, public building, residential subdivision, or place of public assembly.

- (ii) A site plan, drawn to scale, shall be provided with the application. Such site plan shall state the legal description of the property, the location of all buildings and structures on the site, access points, off-street parking areas, vehicular circulation and prominent topographical features, if any, of the site or adjacent lands within 300 feet of the site.
  - (iii) The minimum lot size for junk yard in any district where they are permitted as a conditional use shall be two acres. The minimum lot width shall be 150 feet.
  - (iv) The junk yard shall be completely enclosed and obscured from the public view by a solid fence or wall eight feet in height, by topography, and evergreen planting of sufficient height and density to provide and maintain a year-round visual screen. The specific type of screening shall be specified in the application. If the permit is granted, the screening which is approved shall be fully constructed, inspected and approved by the Development Services Director prior to the yard being utilized.
  - (v) Failure to maintain the screen as specified shall be cause for the permit to be rescinded and the junk yard shall be removed at the cost of the owner of the land upon which it is located.
  - (vi) Provisions shall be made to prevent any contamination of the domestic water supply or excessive surface run-off from the property onto adjoining lands or streams. Where it deems necessary, the City Council may require the submission of a site drainage plan. A drainage plan which carries water off of the site shall be subject to the approval of the City Engineer.
  - (vii) Failure to prevent such contamination of the domestic water supply or to prevent excessive surface run-off from the site onto adjoining lands or streams shall be cause for the permit to be rescinded and the junk yard to be removed at the cost of the owner of the land upon which it is located.
- (5) *Storage of vehicles in impound yard.*
- (a) No dismantling, processing or salvaging of vehicles or repair work to vehicles may be performed in an impound yard.
  - (b) The minimum size of an impound yard shall be one acre.
  - (c) There shall not be stored in an impound yard at any time more than one vehicle for each (10 × 35) 350 square feet of available storage space in the impound yard.
  - (d) A fence, sufficient to control access to the impound yard, shall be constructed around the impound yard. The fence shall be not less than size six feet in height.
  - (e) The surface of the impound yard shall at all times be covered with concrete, asphalt or crushed rock.
  - (f) Weeds, grass and other bushes shall not be permitted to grow more than six inches above the ground at any time in an impound yard.
  - (g) Vehicles may not be stacked in an impound yard, but must at all times be stored directly upon the surface of the impound yard.

- (h) Any lights on an impound yard must be cut off lighting, so as to not allow light to escape outside of the boundary of the impound yard.
  - (i) The impound yard may not be located closer than 250 feet from property which is zoned to allow residential use nor within 100 feet of a residence, except when such residence is located on a property zoned for industrial use and is being used as an accessory use to a proper industrial use on said property.
  - (j) Vehicles stored in an impound yard must be removed from the yard within nine months of the time when they are first placed therein; provided however, an impounded vehicle may, upon request of a prosecuting attorney, be kept in an impound yard for so long as such prosecuting attorney requests. To assist in the enforcement of this requirement, the operator of the impound yard shall at all-time do the following:
    - (i) The operator shall keep a book, listing all vehicles which arrive at the impound yard in the order in which they arrive; and the date of arrival, and include therein the name and address of the person from whom each vehicle is received, the name and address of the party controlling the disposition of the vehicle, the name of the manufacturer of the vehicle, the model and type number of the vehicle, and motor number and license number thereof. Said information shall be placed on the record book within 48 hours after a vehicle is placed in the impound yard.
    - (ii) Any person who shall make any false entry or statement concerning matters required to be set out in the record book shall be deemed guilty of a misdemeanor, and may be fined in the amount of \$100.00 per violation. Each separate vehicle for which a false entry or not entry is made shall constitute a separate violation.
  - (k) The provisions of subparagraph (i) shall not prohibit the use of property for residential purposes, when said use arises after the establishment of an impound yard in compliance with the provisions of this section. However, said residential use shall not affect the validity of the use of the impound yard, for so long as said impound yard shall remain in existence on the continuous basis.
- (6) *Off-street parking spaces and structures.*
- (a) A site plan, drawn to scale, shall be provided with the application. Such site plan shall show the location of the principal building or structure, the location of the proposed parking lot or structure, the dimensions of the lot, access points, circulation patterns, total number of parking spaces provided, and the details of the parking structure, if such is contemplated.
  - (b) The minimum lot size for any off-street parking structure in any district where they are permitted as a conditional Use shall be 10,000 square feet, minimum lot width shall be 80 feet.
  - (c) Minimum yard requirements—The City Council may specify such yards as in its judgment will adequately protect the integrity of surrounding areas and uses, and the safe and orderly flow of pedestrian and vehicle traffic.
  - (d) Maximum lot coverage—None.
  - (e) Maximum height of structures—Same as is required for a permitted use in the zoning district where the site is located.

- (f) Landscaping—All areas not devoted to buildings, structures, drives, walks, parking areas or other authorized installations shall be covered with one or more of the following: lawn grass, natural or ornamental shrubbery or trees. Further, where any side yard abuts residential property, it shall be planted with mature evergreen shrubs of at least five feet in height or screened with privacy fencing at least five feet in height.
- (g) Paving, drainage and parking stall size:
  - (i) The off-street parking area, including all ingress and egress points, shall be covered with asphaltic or concrete pavement.
  - (ii) Parking spaces shall be at least eight and one-half feet by 20 feet in size and shall be marked.
  - (iii) If the site plan indicates that surface drainage will be carried off the site, the plan will be subject to the approval of the City Engineer.

(7) *Townhouses, row houses, and office buildings built to a common wall(s).*

- (a) A site plan, drawn to scale, shall be provided with the application. Such site plan shall show the location of all buildings and structures on the site, courts and open space areas, circulation patterns, ingress and egress points, parking areas (including the total number of parking spaces provided), and a general floor plan of the principal buildings.
- (b) Minimum lot requirements.
  - Lot area—2,000 sq. ft.
  - Lot width—20 ft.
- (c) Minimum yard requirements: Front yard—20 ft.
  - Side yard—at the common wall(s)—none.
  - Other—Ten ft. rear yard—Ten ft.
- (d) Maximum lot coverage—Same as is required for permitted uses in the zoning district where the site is located.
- (e) Maximum height of structure—Same as is required for permitted uses in the zoning district where the site is located.
- (f) Off-street parking:
  - (i) Town houses, row houses—At least two parking spaces shall be provided for each dwelling unit.
  - (ii) Office buildings—Per use, the minimum to be as provided in Section 34-308(2) and Table 308-1 Required Automobile Parking. All parking spaces shall be at least eight and one-half feet by 20 feet in size, and all driveways, maneuvering areas and parking areas shall be covered with asphaltic or concrete pavement.
- (g) Ground cover—All areas of the site not devoted to buildings, structures, parking areas, courts, walkways or drive-ways shall be covered with one or more of the following: lawn grass, shrubbery, trees or other approved landscaping materials.

- (h) Building standards and agreements:
  - (i) The applicant or his agent shall provide with his application a property line wall(s) agreement for the land, building and development in question.
  - (ii) The City Council requires that the design and construction of the property line walls be reviewed by the Development Services Director and the Fire Department to insure compliance with pertinent Building and Fire Codes.
- (8) *Standards for mobile home parks.*
  - (a) The minimum size of a proposed mobile home park shall be two acres, except as otherwise required for the pertinent use district.
  - (b) Proposed sites of five acres or less shall have adequate access to dedicated streets having a minimum right-of-way of 60 feet. All other sites shall have direct access to a collector street.
  - (c) Density for proposed mobile home parks shall not exceed eight units per gross acre.
  - (d) All areas not devoted to mobile home spaces, buildings, structures, drives, walks, off-street parking facilities, or other authorized installations, shall be covered with one or more of the following: lawn grass, shrubbery, trees, or other suitable ground cover materials. Where it deems necessary, the Planning Commission may require the site to be suitably screened from adjacent lands by evergreen planting or by other materials of sufficient height and density to provide and maintain a year-round visual screen.
  - (e) All mobile home parks shall meet the standards set forth in article V of this chapter.
- (9) *Standards for self-service storage facilities.*
  - (a) Site plan:
    - (i) The plan shall be drawn at a scale of one inch equals 20 feet. Said plan shall include all building locations, drives, parking, fencing and signage. A landscape plan shall also be incorporated as part of the submittal and must be included as part of the site plan or submitted on a separate sheet. Building elevation shall also be included on the plan along with specification of the colors of buildings and materials to be used.
    - (ii) Site drainage shall be incorporated in the plan so that storm water run-off from the site will not increase as a result of the proposed development. The facility shall be designed to control the storm water run-off from at least 25-year return frequency storm as certified by the City Engineer.
  - (b) Minimum site areas: None.
  - (c) Building setbacks shall be the same as in the C-3 District.
  - (d) The site shall abut and have direct access to a city street.
  - (e) Other requirements:
    - (i) The storage facility shall be enclosed by a six foot high, sight-proof fence whenever the site abuts residentially zoned or developed property. Said fence, when abutting any residential district, shall be solid or semi-solid and constructed to prevent the passage of debris or light, and constructed of either brick, stone, masonry units, wood



or similar materials. Chain-link fence may be used so long as it has slats installed to prevent the passage of light through the unit. The side and rear of a building located upon the site may serve as fencing.

- (ii) Landscaping shall be provided in the areas outside the fences between the fence and the property line.
  - (iii) Two parking spaces shall be provided, plus one additional space for each employee. Internal drives and parking shall comply with Section 34-308 of this chapter for paving requirements.
  - (iv) Building heights shall be limited to one story (not to exceed 14 feet at the eaves), unless waived for an existing building by the Planning Commission and the City Council.
  - (v) Buildings shall be separated a minimum of 30 feet from one another within self-service storage facilities. Storage bays within a single building shall not be interconnected by interior doors or other interior means providing access from one storage bay to another. The dimensions of any storage bay shall not exceed 22 feet in the narrowest dimension or 36 feet in the widest dimension.
  - (vi) A sign shall be limited to one ground pole sign at the entrance to the premises. Not more than 32 square feet in area shall be permitted with a maximum height of ten feet.
  - (vii) All exterior lighting shall be of cut-off type to prevent off-site glare. Each tenant storage space shall be provided with separate interior lighting.
  - (viii) All storage shall be kept within an enclosed building.
  - (ix) Loading docks shall be prohibited and loading areas to storage bays shall be at the same elevation as the means of vehicular access thereto.
- (f) Commercial activity: It shall be unlawful for any owner, operator or lessee of any self-service storage facility or portion thereof to offer for sale, or to sell any item of personal property or to conduct any type of commercial activity of any kind whatsoever, other than leasing of the storage units, or to permit same to occur upon any area designated as a self-service storage facility. Violation of this section shall be subject to the provisions of Section 34-804 of the Hastings City Code. Any violation may be cause for revocation of the conditional use permit by the City Council.
- (g) Repair, reconditioning and fabrication prohibited:
- (i) Because of the danger from fire or explosion caused by the accumulation of vapors from gasoline, diesel fuel, paint, paint remover and other flammable materials, the repair, construction, or reconstruction of any boat, engine, motor vehicle, or furniture, and the storage of any propane or gasoline storage tank is prohibited within or outside any structure on a tract of land designated as a self-service storage facility.
  - (ii) This provision shall be posted and be included in the tenant lease agreement.
- (h) An approved plan shall be valid for a period of 24 months following the date of approval by the Council. If construction has not been started within said 24 month period, the plan

shall be null and void unless the time for start of construction has been extended by the Council.

(10) *Standards for detached dwelling, accessory.*

- (a) Accessory detached dwellings shall be limited in use to housing immediate family members who live in the principal detached dwelling located on the lot. Immediate family members shall mean either the parent(s) or child(ren) of the owner of the principal dwelling.
- (b) Accessory detached dwellings shall be located only on lots having an area of five acres or greater.
- (c) Accessory detached dwellings shall not be in a mobile home. Manufactured homes utilized for accessory detached dwellings shall meet the minimum requirements set forth in Hastings City Code 34-312.
- (d) Accessory detached dwellings shall have a minimum habitable area of 850 sq. ft.
- (e) Accessory detached dwellings shall have utility services shared with the principal detached dwelling located on the lot.
- (f) Accessory detached dwellings shall not be larger than the principal dwelling on the lot.
- (g) When an accessory detached dwellings is no longer utilized by an immediate family member as defined in this section, the conditional use permit shall become null and void. The conditional use permit holder shall notify the development services department in writing that the accessory detached dwellings is no longer being used within 30 days of cessation of use.

(11) *Standards for construction and demolition waste landfill sites.*

- (a) The granting of a conditional use permit for a construction and demolition waste landfill shall constitute the City's approval of the construction and demolition waste landfill site as provided for in Neb. Rev. Stat. § 13-1701 et seq.
- (b) The site for a construction and demolition waste landfill shall be located outside of the corporate limits of the City.
- (c) The minimum site area for a construction and demolition waste landfill shall be 20 acres, unless, due to unusual circumstances, such area requirement is reduced by the City Council.
- (d) No solid waste other than construction and demolition waste may be put in a construction and demolition waste landfill.
- (e) A fence, sufficient to control access and prevent airborne debris from leaving the site, shall be constructed around each portion of the construction and demolition waste landfill site being used for construction and demolition waste activities.
- (f) No construction and demolition waste landfill operations shall be conducted so that fill will be placed in streambeds or other areas where water courses would be obstructed or where erosion by the stream would remove cover material.

- (g) Routes used by trucks to and from the construction and demolition waste landfill shall be approved by the Director of the Public Works Division, or his designee.
  - (h) When mud, dirt or spilled debris accumulates on streets from trucks or from construction and demolition waste landfill equipment, it shall be removed by the person holding the conditional use permit.
  - (i) The conditional use permit shall provide a date by which the construction and demolition waste landfill shall be terminated or the conditional use permit renewed.
  - (j) The conditional use permit shall require that when the construction and demolition waste landfill has been brought up to within 18 inches of the desired grade, it shall be covered and maintained with at least 18 inches of compacted dirt and seeded in such a manner so as to prevent erosion.
  - (k) Within 90 days following the granting of a conditional use permit, the applicant shall record with the Register of Deeds a permanent instrument notifying the public of the existence of a construction and demolition waste landfill at the site, the type, depth and location of the waste which is to be placed upon the property, as well as the existence of any monitoring systems thereon, and any restrictions on the use of the property which may be provided to protect the integrity of the final cover, liner, monitoring systems or any other components of the containment system.
  - (l) No site shall be approved except on a determination by the City Council that it complies with the provisions of Nebraska law, including the notice and public hearing requirements set forth in Neb. Rev. Stat. § 13-1701 et seq.
- (12) *Standards for recreational vehicle parks.*
- (a) The minimum size of a recreational vehicle park shall be two acres, except as otherwise required for the pertinent use district.
  - (b) Density for recreational vehicle parks shall not exceed 24 recreational vehicles per gross acre.
  - (c) All areas not devoted to recreational vehicle spaces, buildings, structures, drives, walks, off-street parking facilities, or other authorized installations, shall be covered with lawn grass, shrubbery, trees, or other suitable ground cover materials.
  - (d) The council may require suitable screening around all or any part of the site boundary.
  - (e) A recreational vehicle park operation shall have adequate solid waste collection facilities, which will be constructed and maintained in accordance with all municipal health regulations, and shall be designed to bar animals from access to the solid waste. Solid waste shall be removed from the park at least once a week.
  - (f) The recreational vehicle park shall be served by an on-site service building containing a public water supply and public toilet facilities, and by a storm shelter which, for the purposes of this section, shall mean a structure designed to withstand a 200 mile-per-hour wind, and which has a designed occupant load of no less than 20 square feet per recreational vehicle space.

- (g) Recreational vehicle parks may have accessory uses and buildings including, but not limited to, restroom and shower facilities, convenience facilities, dump stations, playgrounds, and areas for tenting.
  - (h) Convenience facilities of a commercial nature may include, but not be limited to, stores and laundry facilities, and shall be subject to the following:
    - (i) The facilities and related parking shall not occupy more than ten percent of the recreational vehicle park.
    - (ii) The facilities shall be located, designed, and operated for the primary purpose of serving the trade or service needs of park patrons.
    - (iii) In agricultural and residential mobile home districts, the facilities and any signage shall present no visible evidence of their commercial character in a manner which is apparent from any public street.
  - (i) Recreational vehicle parks located in agricultural (A) may have signs subject to the requirements of Hastings City Code Section 34-309(5), and recreational vehicle parks located in Commercial Business Districts (C-3) and Light Industrial Districts (I-1) may have signs subject to the limitations of Hastings City Code Section 34-309(6).
- (13) *Standards for kennels.*
- (a) All points on the perimeter of any kennel facility, dog run or exercise area shall be at least 100 feet from any property line.
  - (b) Outdoor exercise areas, runs, or yards when provided for training or exercising, shall be restricted to use during daylight hours.
  - (c) A site plan, drawn to scale shall be provided with the application showing all existing and proposed buildings and structures, fencing and landscaping.
  - (d) A narrative statement shall be provided with the application describing:
    - (i) The maximum total number of animals to be kept on the premises at any time.
    - (ii) The expected male/female mix of animals at any time.
    - (iii) The type of kennel enclosure including the size of the enclosures.
    - (iv) The type and height of fencing.
    - (v) The type and size of year-round shelters.
    - (vi) The source and location of water supply.
    - (vii) The sanitary maintenance plan, including provision for collection and disposal of excrement and other waste solution or material.
    - (viii) Lighting.
    - (ix) Landscaping and other visual and noise barriers.
    - (x) Surface drainage.
    - (xi) Expected weekly traffic related to the keeping of animals.
    - (xii) Hours of operation.

- (e) The total number of animals on the premises at any one time will be established as part of the conditional use permit process.
  - (f) The applicant must demonstrate that:
    - (i) The location and operation of the kennel is appropriate for housing multiple animals and will be consistent with the health and safety of the animals and of the neighbors.
    - (ii) The location of the kennel on the property will have no significant adverse effect on the peace and quiet or sanitary conditions of the neighborhood.
    - (iii) The kennel will be operated in a manner that it will cause no nuisance to the public.
    - (iv) The kennel will be operated in a safe, sanitary, and humane condition.
- (14) *Standards for bed and breakfast establishments.*
- (a) *General requirements.*
    - (i) Each bed and breakfast shall be established, maintained and operated so as to preserve and compliment the residential character and integrity of the surrounding area when the facility is established in a residential zoning district.
    - (ii) The bed and breakfast shall be occupied and operated by the owner as their principal residence.
    - (iii) The single family dwelling used as a bed and breakfast shall have a minimum of 2,000 sq. ft. in living area.
    - (iv) The home shall not be used by the public or paying guests for the hosting of receptions, private parties or the like.
    - (v) Any meals provided and any amenities connected with the guest rooms, such as a swimming pool or tennis court shall be solely for the use of the owner, the owner's family and the owner's registered guest.
    - (vi) There shall be no separate or additional kitchen facility for the guests.
    - (vii) A person who does not reside at the home shall not be employed to assist in the conduct of a bed and breakfast except as usual for a single family residence (e.g., maid, housekeeper).
    - (viii) A bed and breakfast must comply with all other provisions of the zoning district in which it is located and must comply with all other ordinances of the City.
  - (b) *Guest rooms.*
    - (i) Rooms utilized for guest rooms shall be part of the single family dwelling unless specifically approved by the conditional use permit.
    - (ii) A guest room shall not be located in a basement.
    - (iii) No more than three occupants per guest room shall be allowed.
    - (iv) Each guest room shall be equipped with a properly installed and functioning smoke detector. Further, a smoke detector shall be properly installed and functioning on or near the ceiling in the room or hallway from which each guest room exits.

- (v) A fire escape plan shall be developed and graphically displayed in each guest room.
- (c) *Parking.*
  - (i) The bed and breakfast will provide two off-street parking spaces for the residence and one additional space per guest room.
  - (ii) Off street parking shall be developed in such a manner that the residential character of the property is preserved.
- (d) *Register.* Every person operating a bed and breakfast residence shall keep at all times a book, to be known as the register, in which it shall be required that every person to whom a room is let shall have his, her or their name or names and address registered there in ink, along with the date on which the room was let, the date it was vacated, the correct number or other designation of the room let, and the number of the occupants assigned to the room. No page of the register may be disposed of until two years after the date of the most-recent entry recorded on it. The register shall be available to Development Services on request.
- (e) *Signs.* Signage shall be limited to one non-illuminated wall-mounted sign not to exceed six square feet in area.
- (f) *Application.*
  - (i) The application shall contain:
    - (1) The name, address and telephone number of the owner(s) and address of proposed bed and breakfast.
    - (2) A plan, drawn to scale showing the floor plan of the dwelling, together with any proposed changes, renovations and additions to the dwelling.
    - (3) A site plan drawn to scale and including the following information:
      - Title of the drawing
      - North arrow, scale and date
      - Boundaries of the project site
      - Location of all existing or proposed site improvements, including buildings, additions, expansions, driveways, parking area, streets, retaining walls, fences and hedges
      - Location of all existing and proposed access and egress drives
      - Location, design and size of all proposed signs and outdoor lighting facilities
      - Location of existing and proposed buffer and screen areas, structures and vegetation
  - (ii) Development Services may require such additional or supportive information as it deems necessary for a complete assessment of the proposed bed and breakfast.
- (g) *Permit.*

- (i) The owner shall not make any change, deviation, modification or variation from the application and site plan once the same is approved by the City Council.
- (ii) Any amendments to an approved conditional use permit shall be reviewed by the Planning Commission and approved by the City Council if found to be consistent with these standards. Minor amendments to the permit may be approved by the Development Services Director. Such administrative approval shall be limited to parking lot and landscaping improvements, exterior facade changes and signs. An appeal of the Development Services Director's denial of a requested minor change may be taken to the Planning Commission. The procedure for such appeals shall be the same as provided for amendments under Section 34-801(2).
- (iii) The use is subject to review at any time and may be revoked after a hearing by the City Council and a finding by the Council that the use has become detrimental to the neighborhood.
- (iv) Upon the issuance of a permit for bed and breakfast establishment, an annual inspection and certificate of compliance for the bed and breakfast shall be issued by Development Services for continued operation.
- (v) An application for a certificate of compliance shall be filed with Development Services with the inspection fee as set by the current fee schedule.
- (h) *Review considerations.* The City's review of the application and site plan shall include but not be limited to the following considerations:

Adequacy and arrangement of vehicle traffic access and circulation Location, arrangement, appearance and sufficiency of off street parking Location, arrangement, size and design of lighting and signs

Relationship and compatibility of proposed use to uses of adjacent parcels together with their scale

Adequacy, type and arrangement of trees shrubs, fences and other landscaping or improvement constituting a visual or noise-detering buffer between the site and adjacent or adjoining uses

Any other matter which may affect the health, welfare and safety of the community as a whole and the parcels in the immediate vicinity of the site.

- (15) *Standards for livestock feeding operations.* For the purposes of this subsection, the term "animal unit (AU)" shall mean the relationship of various animals with regard to manure production based upon 1,000 pounds of animal(s) regardless of type. The following relationship with regard to manure production shall be as follows:

Type of Animal	Animal Unit(s)
Beef animal (500—1,200 pounds)	1.00
Beef or dairy calf (150—500 pounds)	0.50

Young dairy stock (500—1,000 pounds)	0.75
Replacement heifers	1.00
Dairy cow	1.40
Horse	2.00
Swine (55 pounds or heavier)	0.40
Swine (less than 55 pounds)	0.04
Swine (sow and litter)	0.50
Sow or boar	0.40
Sheep and goat	0.10
Chicken	0.01
Turkey	0.02
Ostrich	0.40
Llama or alpaca	0.50

- (a) The following setbacks and design standards are the minimum sanitation and odor practices for the City of Hastings. In addition, the Hastings City Council, when considering the health, safety, and general welfare of the public, may impose more restrictive requirements. These requirements should consider such things as:
- odor
  - dust,
  - lighting,
  - waste disposal and
  - dead livestock.
- (b) A conditional use permit may be approved after public notice has been given and public hearing is conducted as required by law.
- (c) Agricultural operations of 300 animal units (A.U., equaling one cow or cow-calf pair) and under are considered a farm as defined in these regulations and do not require a conditional use permit.



(d) All existing livestock feeding operations (LFO's) that have been granted a conditional use permit may expand within their designated level; except for the 20,000 and above which requires a new conditional use permit for each expansion beyond 20,000 A.U.'s, as outlined in Table 404-1, without applying for another conditional use permit. All new livestock feeding operations and those expanding to the next level shall require a conditional use permit and shall be located no less than at a distance from non-farm residences or other residences not on an owner's property in any affected zoning district as hereafter described:

(i) Livestock feeding operations will be categorized either as environmentally controlled housing operations or open lot operations. Livestock feeding operations having more than one type of feeding operation at one location shall be categorized according to the operation which constitutes the majority of the total operation, measured in A.U.'s. Each operation type shall be classified in one of four levels according to total number of animal units (A.U.) in the operation at any one time. Levels will include:

Class I facility = 301—1,000 animal units;

Class II facility = 1,001—5,000 animal units;

Class III facility = 5,001—20,000 animal units; and

Class IV facility = 20,001 or more animal units.

Livestock feeding operations having more than one type feeding operation at one location shall be categorized according to the total number of animal units.

<b>TABLE 404-1: LFO SPACING AND DISTANCE (Distances given in feet)</b>		
<b>Size of Proposed LFO in Animal Units.</b>		<b>Non-farm or Other Residence and Other LFOs (feet)</b>
Class I 301—1000	ECH	1,320
	OPEN	1,320
Class II 1001—5000	ECH	5,280
	OPEN	2,640
Class III 5001—20,000	ECH	5,280
	OPEN	2,640
Class IV 20,001 or more	ECH	7,920
	OPEN	3,960

ECH = Environmentally Controlled Housing OPEN = Open Lot Operations

- (ii) Livestock feeding operations having more than a 1,000 animal units shall also locate at a distance as specified under the environmentally controlled housing or open lots, in Table 1 from a platted residential area, public park, recreational area, church, cemetery, religious area, school, historical site, and residential district.
- (iii) All livestock feeding operations over 20,000 animal units shall be required to obtain a new conditional use permit prior to any expansion, unless it meets the standards of the exceptions in the exceptions section.
- (iv) The producer shall have a pre-submission meeting with the City of Hastings Development Services Director and City of Hastings Building Inspector to discuss tentative plans and layouts prior to formal submission of the conditional use permit for livestock feeding operations.
  - 1. The applicant shall submit a proposed site plan and conditions or requirements of this regulation pending approval of application for a proposed operation and waste disposal plan from the Nebraska Department of Environment and Energy (NDEE) or any other applicable state agency.
  - 2. The applicant shall submit all pertinent materials and designs, as per the conditional use permit application for livestock feeding operations.
  - 3. The applicant shall file a copy of the proposed operation and maintenance plan and proposed manure management plan. The approved plans shall be submitted after NDEE approval if different from the proposed. Said plans shall be filed with the City of Hastings Development Services Director.
  - 4. The applicant shall also file a copy of all approved NDEE plans and permits with the City of Hastings Development Services Director within 30 days after they are issued by the NDEE.
  - 5. An annual manure management plan shall be submitted to the City of Hastings Development Services Director which shall follow "best possible management practices" as specified by NDEE in order to protect the environment, as well as the health, safety and general welfare of the public and their property values.
  - 6. If stockpiling of animal waste and/or composting of dead carcasses, as per state statutes, are part of the manure management plan, the waste shall be maintained in an area as outlined in Table 1 of this section. Said area shall also have located on the proposed site plan indicated in [Subsection] (a) above.
  - 7. All ground surfaces within outside livestock pens shall be maintained to insure proper drainage of animal waste and storm or surface runoff in such a manner as to minimize manure from being carried into any roadway ditch, drainage area or onto a neighbor's property.
  - 8. In no event shall any manure storage unit or system be constructed where the bottom of the unit or system is either in contact with or below the existing water

table where the unit or system is to be constructed. Application of manure in flooded areas of standing water shall be prohibited.

9. All runoff or waste generated by a livestock feeding operation facility shall be contained within the associated farming operation, or, on the premises upon which the confined feeding facility or feedlot is located. The applicant must verify that all runoff control ponds, lagoons, methods of manure disposal and dust control measures are designed to minimize odor and air pollution, and avoid surface or groundwater contamination as regulated by the State of Nebraska.
10. The setbacks from a livestock feed operation to any non-farm dwelling, other residence or other livestock feeding operation are outlined in Table 404-1.

(e) Exceptions:

- (i) Any Class I Livestock Feeding Operation use in existence as of the effective date of this provision, and which is located within the minimum spacing distance in Table 1 to any church, school, public use, other livestock feeding operation or single-family dwelling within the current class or to the next class, may expand in animal units and/or land area under a conditional use permit, provided the proposed expansion complies with all of the following limitations:
  1. Such expansion will not decrease the distance from the livestock feeding operation use to any church, school, public use, other livestock feeding operation or single-family dwelling not of the same ownership and not on the same premises with said livestock feeding operation which is less than the minimum prescribed spacing distance.
  2. Any physical expansion of the existing livestock feeding operation shall be immediately contiguous with the facilities of the existing livestock feeding operation.
  3. Such expansion may occur in phases over time, but in no event shall such expansion(s) result in a livestock feeding operation that is more than 50 percent larger in animal units than the one-time capacity of the use which existed as of the effective date of this provision. Any expansion beyond this limitation is prohibited unless a conditional use permit for expansion that meets all requirements is heard by the Planning Commission and authorized by the City Council.
  4. If such expansion results in such livestock feeding operation being required to obtain a new construction permit from NDEE, introduction of additional animals shall be prohibited until said permit is issued by NDEE or other applicable or successor agency has been issued and such livestock feeding operation shall be operated at all times in a manner consistent with the requirements of said permit and applicable regulations of this provision.

(16) *Standards for temporary use permit (TUP).*

(a) *Purpose.* The purpose of this permit is to provide for the safe flow of all modes of traffic in the public rights-of-way, to ensure the public's health and safety during regular reoccurring events is accomplished on a seasonal or temporary basis, and to allow for a

diversified economy in the City of Hastings. In order to manage the variety of temporary uses that are possible, this section is added to advise on the permit application and review process, and requirements for three types of temporary uses: recreational vehicles in mobile home parks or recreational campgrounds for extended temporary stay, mobile vendors and temporary structures.

(b) *Procedure.* All applications for a temporary use permit shall be made to the Development Services Director or designee in written form, on the prescribed application, and shall be accompanied by the fee set by resolution. In line with 34-403 (6) temporary uses shall be determined according to their zoning as to the allowance of the type of temporary use. If the use is permitted then so long as the permit application is reviewed and approved after internal review a TUP will be provided. However, if this use is shown to be a restricted use it still must meet the specific requirements as listed in the Section (e) (below). Unless otherwise indicated in the specific requirements for each type, a permitted or restricted temporary use will not require a review by Planning Commission and City Council and will be administratively approved by the Development Services Director following an internal review. However, these permits may be asked to mitigate any issues found in internal review prior to approval.

(c) *Application.* Applicants must first fill out an online application for a temporary use permit to be found under Planning and Land Use – Zoning Permits on the City of Hastings website. Here you will be asked to provide the following information:

- (1) The name, address and telephone number of the owner(s) and applicant, if not the same person. If the applicant is a firm, corporation or other legal entity, the registered agent of the corporation shall be identified on the application as such. An owner authorization form will be required if the owner is different from the applicant and this must be signed by both parties.
- (2) An address of proposed location or property for which you plan to have your temporary use.
- (3) Any contractor you will be using to setup your use.
- (4) Project Name which includes your proposed use (i.e., Recreational Vehicle in mobile home parks or recreational campgrounds for extended temporary stays, Mobile vendor or temporary structure).
- (5) As part of this permit you are required to provide the following documents:
  - a) A site plan, drawn to scale showing where on this property you will be located and all of the following:
    - Existing zoning, area, lot size, and your reason for the request.
    - North arrow, scale and date
    - Boundaries of the project site
    - Area where any fire hydrants are located as well as any utilities pedestals that might be used.

- Location of all existing or proposed site improvements, including buildings, additions, expansions, driveways, parking area, streets, retaining walls, fences and hedges
  - Location of all existing and proposed access and egress drives
  - Location, design and size of all proposed signs and outdoor lighting facilities Location of existing and proposed buffer and screen areas, structures and vegetation
  - Dimensions of all proposed temporary structures associated with the temporary use, and as requested by the city, elevations or photographs of the structures.
- b) If there will be a temporary structure built then a rendering, building plans and /or a floor plan of the structure will also be required. If the temporary structure is an accessory structure then it must also comply with requirements found in 34-311.
- c) Written description of the type, nature and extent of the proposed request. This must more specifically include the following:
- Dates, days and hours of operation during which the applicant seeks to conduct the temporary use and occupy any temporary structure.
  - Graphic example or brief statement of the nature and character of the signage or advertising.
- d) Such other information as deemed necessary by the Development Services Director or designee for purposes of evaluating the application.

(d) *Internal Review.* All TUP applications will be reviewed by several City internal key departments to ensure that the temporary use will not cause public health and safety issues for the community at large. These departments will include City Police, City Fire, City Attorney, City Utilities, City Engineering and any other areas that may be deemed appropriated depending on the proposed temporary use.

(e) *Terms, nonconformance, continuation and termination.* A TUP is an annual permit for all types. However, a recreational vehicle in mobile home parks or recreational campgrounds for extended stay must be granted extension at 6 months. All existing uses that do not have a temporary use permit at the time of passing of this ordinance will have 6 months to apply for a TUP and to come into compliance to the regulations found in Section (f).

(f) *Specific Requirements by type of TUP (i.e., Recreational vehicles in mobile home parks or recreational campgrounds for extended temporary stays, Mobile vendor or temporary structure)*

(1) Recreational vehicle in mobile home parks or recreational campgrounds for extended temporary stays.

- a) Article V Mobile Home Park Regulations defines Mobile Home Park and specifically states that this use *does not include tourist facilities for travel trailers, campers or other recreation vehicles as defined herein.* This will

remain the case on a long-term basis. However, the City has a housing shortage and is working hard to encourage growth and development. Development can come in large surges and during times when multiple development projects are introduced into our local and surrounding areas economies there is a real need to provide housing for construction crews that are not local. These projects can take anywhere from 6 months to several years to complete when they are large and complex. Temporary housing during these times has been an issue in the past. Campgrounds and mobile home parks do have infrastructure capabilities to provide solutions for these crews and some of the areas campgrounds and mobile home parks have the vacancy to accommodate these crews in an appropriately designed recreational vehicle on a temporary basis. Therefore, a temporary use permit application can provide Staff with ability to ensure these crews are housed in a safe and healthy manner after internal review of all the following criteria is performed.

- Applicant must provide documentation demonstrating an economic development need as discussed above in Section (a), showing they are on a crew for a project in the local area that will require housing locally. Acceptable documentation of W-2 with note from construction company management confirming employment on a project locally with a potential timeline indicated.
- Recreational vehicle shall be capable of being legally operated on the highways, and containing permanently installed essential living facilities for longer-term temporary stays of up to 180 days or more in a campground or mobile home park. As defined in City Code Section 34-103, this shall not include any towed utility trailer, camping trailer, truck camper, van conversion nor shall it include any vehicle defined in the license and registration laws as an automobile or passenger. Types of recreational vehicles that would be capable of attaining a temporary use permit (TUP) are fifth wheel trailers, motor homes, park trailers and travel trailers and should be current on license and registration and capable of legally operating on the highway.
  - Designed for long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.
  - Designed to be transported after fabrication on its own wheels, on flatbeds or other trailers or detachable wheels and ready for occupancy except for minor and incidental unpacking and assembly operations and connection to utilities.
  - Placed upon impermanent foundation or otherwise so placed as to permit moving of the unit to another location during its usable life.

- This particular TUP will last for durations of 180 days; however, the Development Services Director or designee can grant time extensions to this duration on a case-by-case basis.
- If placing in a Mobile Home Park the temporary structure must be capable of complying with the Spaces requirements found in City Code Section 34-505, Electrical power requirements found in City Code Section 34-506, Water and sewage requirements found in City Code Section 34-508
- No more than one propane cylinder not greater than 120 pounds will be allowed per City Code Chapter 30-907. These are to be placed on at least a 3X3 concrete pad per NFPA 58. Building and Fire inspectors will determine the appropriate placement of these pads on each space and must final approve the finished pads.

(2) Mobile Vendor.

- a) Food vendors must provide a copy of their State issued temporary food establishment permit and must comply to all requirements for such permit found in the Nebraska Food Code.
- b) Site Plans must demonstrate safe flow of all modes of traffic in the public rights-of-way and that this temporary use does not block or hinder traffic flow and has adequate ingress and egress to access the site,
- c) Appropriate parking for the use of this food truck must be demonstrated in the site plan and explained in the narrative.
- d) Propane tanks associated with this use must comply to all NFPA requirements.
- e) Plans for trash/recycling collection must be shown on the site plan and discussed in the narrative.
- f) Sanitation such as portable or accessible toilets and hand washing facilities should be shown on the site plan, if provided, and discussed in the narrative.
- g) If your use will pose any nuisances such as noise or smell you must discuss your plan to mitigate these potential nuisances in your narrative.
- h) Any outdoor seating, lighting, heat lamps, should be shown on the site plan and discussed in your narrative.
- i) Any relevant occupation tax must be paid to the City Finance department at the time of permit application.
- j) Barricades, electrical cords, necessary utilities and/or connections, propane tanks and etc. must be shown on your site plan and discussed in your narrative.
- k) Any signage that will be proposed such as temporary sidewalk signs or other temporary signage must be shown on your site plan and will be evaluated as part of this permit.

- l) Use of existing structures to accommodate customers shall require a building review and potentially a building permit for any improvements to be utilized as an accessory structure and/or use to the mobile vendor. Additionally, if determined it is an accessory use then it must comply to accessory setbacks and other guidelines seen relevant to this zoning district in City Code Section 311 and Table 311-1.
- m) If more than one mobile vendor is on a single site there must be at least 10' separation between each mobile food vendor. In addition, IFC 2018 requires that there also be 10' between the vendor and buildings; at least 10' from hydrants and that any generators also be located at least 10' from hydrants.
- n) All Mobile Food vendors must comply to all Hastings Fire & Rescue requirements and will be given an information Bulletin upon permit submission.

(2) Temporary Structures.

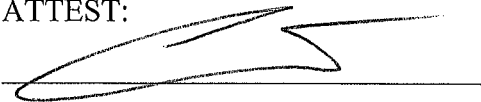
- a) Any accessory type of structure must comply to City Code Section 34-311 and be accessory to a principal structure.
- b) A building permit will be required and will need to be approved for any temporary structures not categorized as an accessory type of structure.
- c) A narrative discussing the reason for the temporary structure and the use will be required.
- d) This particular TUP will last for durations of 180 days; however, the Development Services Director or designee can grant time extensions to this duration on a case-by-case basis.

**SECTION 5.** That any ordinance passed and approved prior to the passage of this ordinance, and in conflict with its provisions, is hereby repealed.

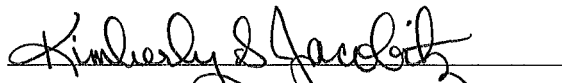
**SECTION 6.** This ordinance shall take effect and be in full force from and after its passage, approval and publication in pamphlet form.

**PASSED AND APPROVED** by the Mayor and City Council of the City of Hastings, Nebraska, this 8<sup>th</sup> day of November, 2021

ATTEST:



Corey Stutte, Mayor



Kimberly S. Jacobitz, City Clerk





( S E A L )

APPROVED TO FORM:

Clint Schukei

Clint Schukei, City Attorney