

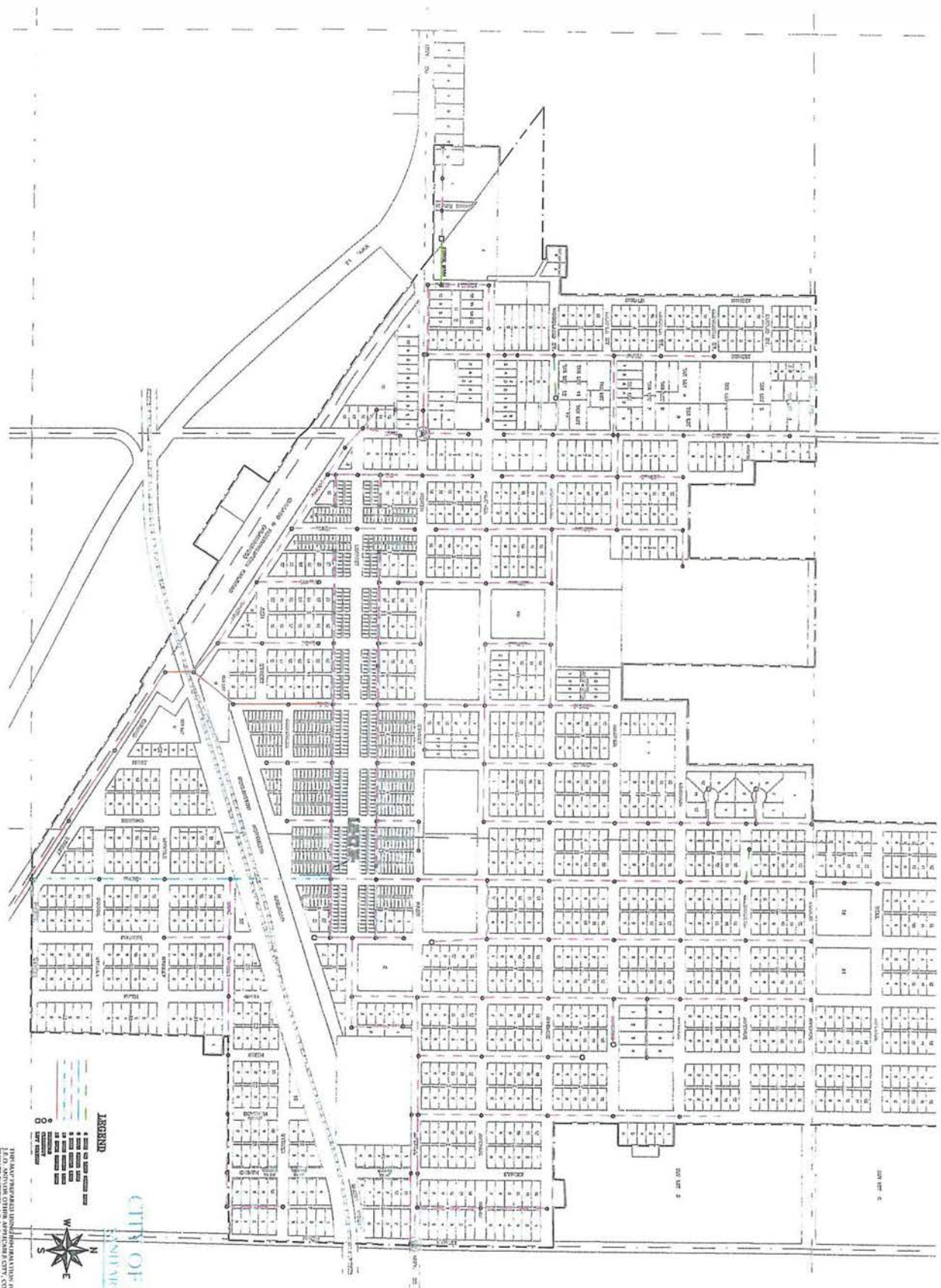
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**CITY OF PLAINVILLE**  
**ZONING MAP**

ISSUED BY: PLAINVILLE ZONING BOARD  
 DATE: 10/1/2014  
 REVISION: 10/1/2014  
 THE MAP FORMED HEREON IS A COPY OF THE ZONING MAP OF THE CITY OF PLAINVILLE, CONNECTICUT, AS AMENDED BY THE PLAINVILLE ZONING BOARD, AND IS NOT TO BE USED FOR ANY OTHER PURPOSE.

- LEGEND**
- A-1 TRANSITIONAL AG DISTRICT
  - A-2 GENERAL AG DISTRICT
  - R-1 SINGLE FAMILY RESIDENTIAL DISTRICT
  - R-2 TWO-FAMILY RESIDENTIAL DISTRICT
  - R-3 MULTIPLE-FAMILY RESIDENTIAL DISTRICT
  - C-1 HIGHWAY COMMERCIAL DISTRICT
  - C-2 DOWNTOWN COMMERCIAL DISTRICT
  - I INDUSTRIAL DISTRICT

PLAINVILLE, CT	PLAINVILLE, CT	PLAINVILLE, CT	PLAINVILLE, CT	PLAINVILLE, CT
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**CITY OF MINNEAPOLIS**  
**PLAT MAP**

**LEGEND**

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**SCALE**

0 50 100 FEET

**COMMISSIONER OF LAND**

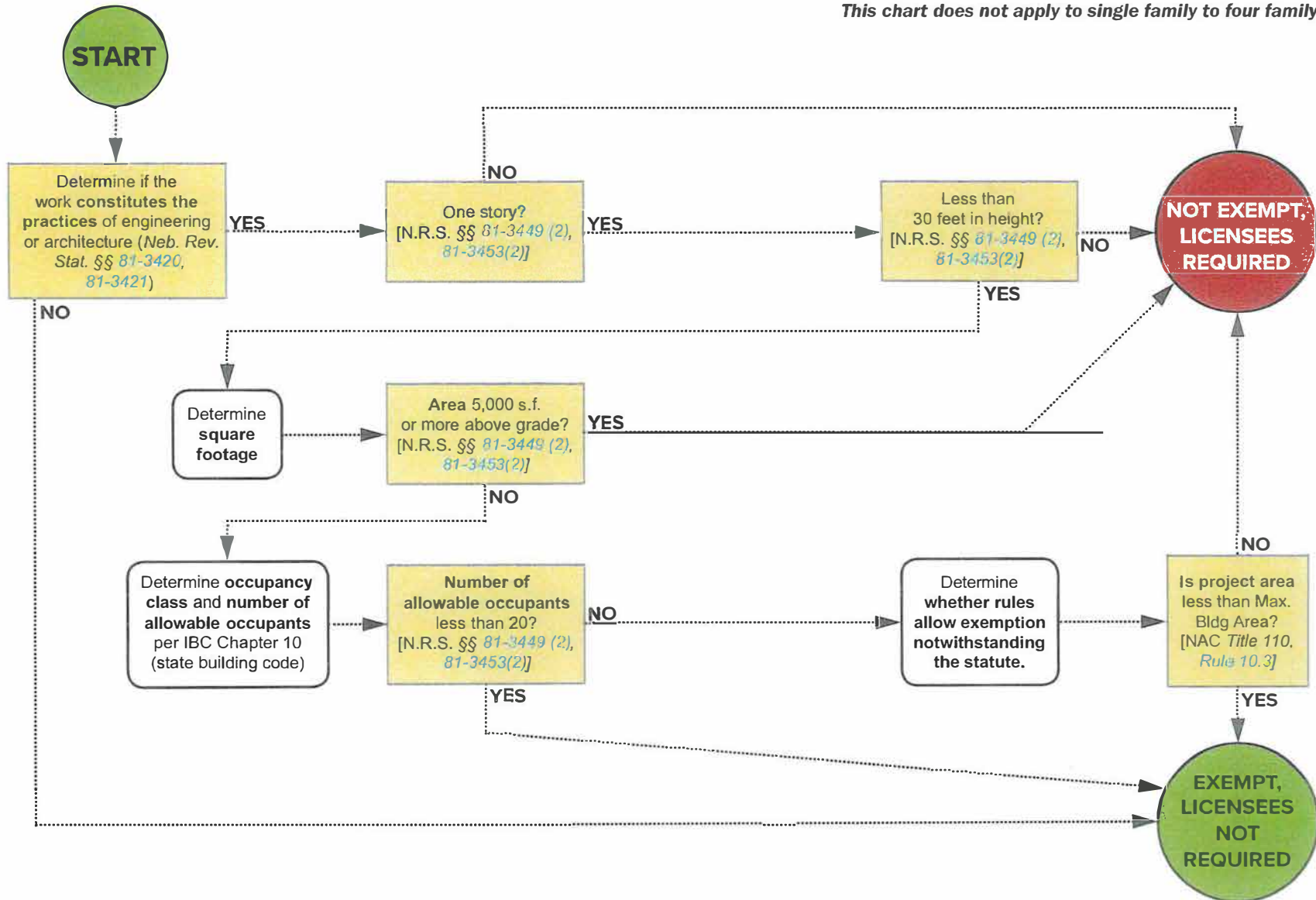
**PLAT**

**THE PLAT**

THE PLAT HAS BEEN PREPARED BY THE CITY OF MINNEAPOLIS, MINN. AND IS SUBJECT TO THE CITY'S PLAT ACT. THE CITY DOES NOT GUARANTEE THE ACCURACY OF THIS PLAT OR THE INFORMATION CONTAINED THEREIN. THE CITY OF MINNEAPOLIS, MINN. IS NOT A PARTY TO THIS PLAT.

This diagram is meant to help determine if a licensed architect or professional engineer is required on a **new construction** project per the [E&A Regulation Act and Board Rules](#).

**This chart does not apply to single family to four family dwellings.**





Find the center of the street in front of your property. (Carefully!)

Measure from that point  $\frac{1}{2}$  the width of the street (usually 33 ft) toward your property.

This point is where your front property line is located.

Measure from the center of the nearest adjacent street,  $\frac{1}{2}$  the width of the street toward your property.

Measure from that point the width of each lot along the front of each property, until you reach your property line.

The spot where the two measurements (front and side) intersect should be the location of a front property corner pin.

Dig in that spot and you should be able to expose the metal pin, usually a  $\frac{3}{4}$ " iron pipe buried in the ground. Be careful not to disturb or remove the pin. State law requires that if a person disturbs or removes a property pin, it must be replaced by a licensed surveyor, which may prove to be costly.

You can now measure from the pin you have found to the other three (or more) pins on the property. Using the dimensions on your property plat, you can now mark the approximate location of the property lines.

# A LAND DEVELOPMENT ORDINANCE FOR THE CITY OF PLAINVIEW

## **ZONING REGULATIONS**

PLAINVIEW PLANNING AND ZONING COMMISSION

PASSED BY PLAINVIEW CITY COUNCIL TUESDAY, SEPTEMBER 13, 2011

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# 1

## ARTICLE ONE

### GENERAL PROVISIONS

#### 101 Title

This title of the Plainview Municipal Code shall be known as the Zoning Ordinance of the City of Plainview.

#### 102 Jurisdiction

The provisions of this chapter shall be applicable to all property within the corporate limits of the City of Plainview and its one mile extra-territorial jurisdiction as provided by Nebraska State Law.

#### 103 Purpose

The purposes of the Zoning Ordinance of the City of Plainview are to:

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

#### 104 Consistency with Comprehensive Development Plan

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

#### 105 Conflicting Provisions

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

#### 106 Relief from Other Provisions

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

#### 107 Severability of Provision

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

#### 108 Publication

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



## 2 ARTICLE TWO

### DEFINITIONS

#### 201 Purpose

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

#### 202 General Construction of Language

The following general rules of construction apply to the text of the Zoning Ordinance.

##### a. Headings

Section and subsection headings contained herein are provided for illustrative purposes only and shall not be deemed to limit, govern, modify, or otherwise affect the scope, meaning, intent of any provision of the Zoning Ordinance.

##### b. Illustration

In the case of any real or apparent conflict between the text of the Ordinance and any illustration explaining the text, the text shall apply.

##### c. Shall and May

"Shall" is always mandatory. "May" is discretionary.

##### d. Tenses and Numbers

Words used in the present tense include the future tense. Words used in the singular include the plural, and the plural the singular, unless the context clearly indicates the contrary.

##### e. Conjunctions

Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:

1. "And" indicates that all connected items or provisions apply.
2. "Or" indicates that the connected items or provisions may apply singly or in any combination.
3. "Either ... or" indicates that the connected items or provisions shall apply singly but not in combination.

##### f. Referenced Agencies

Unless otherwise indicated, all public officials, bodies, and agencies referred to in this Chapter are those of Plainview.

## DEFINITIONS

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### 203 Definition of Terms

For the purposes of this Zoning Ordinance, certain terms and words are hereby defined. Certain sections contain definitions that are additional to those listed here. Where terms are not specifically defined, their ordinarily accepted meaning or meanings implied by their context shall apply.

### 204 A

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

### 205 B

1. **Base Zoning District:** A district established by this Ordinance that prescribes basic regulations governing land use and site development standards. No more than one Base Zoning District shall apply to any individually platted lot or parcel unless the lot or parcel is part of a Planned Unit Development.
2. **Basement:** A level of a building below grade level that has at least one-half of its height below the surface of adjacent ground. A basement used for independent dwelling or business purposes shall be considered a story for the purposes of height measurement.
3. **Beginning of Construction:** The initial incorporation of labor and materials within or including the foundation of a building or structure.
4. **Block:** An area of land within a subdivision that is entirely bounded by streets, by streets and the exterior boundaries of the subdivision, or by a combination of the above with a watercourse or lake, and which has been designated as such on a plat for the purposes of legal description of a property.
5. **Block Face:** The property abutting one side of a street lying between the two nearest intersecting streets, or between the one nearest intersecting street and a major physical barrier, including, but not limited to, railroads, streams, lakes, or the corporate limits of Plainview.

## DEFINITIONS

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6. **Board of Adjustment:** A body, established by Pierce County, as permitted by Nebraska State Law, expressly for the purpose of granting relief from situations of hardship and to hear appeals as provided by this Ordinance.
7. **Bufferyard:** A landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.
8. **Building:** A structure entirely separated from any other structure by space or by walls and having a roof and built to provide shelter, support, or enclosure for persons or property.
9. **Building Coverage:** The area of a site covered by buildings or roofed areas, excluding allowed projecting eaves, balconies, and similar features.
10. **Building Envelope:** The three-dimensional space within which a structure is permitted to be built on a lot after all zoning and other applicable municipal requirements have been met.
11. **Building Inspector:** The designee of the City Council, responsible for the enforcement of the Uniform Building Code.
12. **Building Line:** The outer boundary of a building established by the location of its exterior walls.
13. **Business:** Activities that include the exchange or manufacture of goods or services on a site.
14. **Business Center:** A building containing more than one commercial business, or any group of non-residential buildings within a common development, characterized by shared parking and access.

206

### C

1. **Certificate of Occupancy:** An official certificate issued by the Zoning Administrator or his/her designee, upon finding of conformance with the Unified Building Code, and upon receipt of a Certificate of Zoning Compliance.
2. **Certificate of Zoning Compliance:** An official certificate issued by the Zoning Administrator or his/her designee, which indicates that the proposed use of building or land complies with the provisions of the Zoning Ordinance.
3. **Change of Use:** The replacement of an existing use by a new use.
4. **Cluster:** A development design technique that concentrates buildings in specific areas on a site to allow remaining land to be used for recreation, common open space, or the preservation of historically or environmentally sensitive features.
5. **County:** Pierce County, Nebraska.
6. **County Board:** The County Board of Pierce County, Nebraska.
7. **Collector Street:** A street connecting neighborhoods within the same communities, designed to carry traffic from local to arterial streets.
8. **Common Area:** An area held, designed, and designated for common or cooperative use within a development.
9. **Common Development:** A development proposed and planned as one unified project not separated by a public street or alley.
10. **Common Open Space:** Land within or related to a development that is not individually owned or dedicated for public use, designed and generally intended for the common use of the residents of the development.



## DEFINITIONS

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11. **Compatibility:** The degree to which two or more different land use types are able to exist together in close proximity, with no one use having significant negative effects on any other use.
12. **Comprehensive Plan:** The duly adopted Comprehensive Development Plan of Plainview.
13. **Condominium:** A real estate ownership arrangement that combines fee simple title to a specific unit and joint ownership in common elements shared with other unit owners. Types of units may include dwelling units, parking spaces, office spaces, or commercial spaces.
14. **Conservation Development:** A development design technique that concentrates buildings in specific areas on a site to allow remaining land to be used for recreation, common open space, or the preservation of historically or environmentally sensitive features.
15. **Conservation Subdivision:** Wholly or in majority, a residential subdivision that permits a reduction in lot area, setback, or other site development regulations, provided 1) there is no increase in the overall density permitted for a conventional subdivision in a given zoning district, and 2) the remaining land area is used for common space.
16. **County:** Pierce County, Nebraska.
17. **Court:** An approved private right-of-way which provides access to residential properties and meets at least three of the following conditions:
  - (a) Serves twelve or fewer housing units or platted lots.
  - (b) Does not function as a local street because of its alignment, design, or location.
  - (c) Is completely internal to a development.
  - (d) Does not exceed 200 feet in length.
18. **Courtyard:** An open, unoccupied space, bounded on two or more sides by the walls of the building.
19. **Conventional Subdivision:** A subdivision which literally meets all nominal standards of the Land Development Ordinance for lot dimensions, setbacks, street frontage, and other site development regulations.
20. **Creative Subdivision:** A subdivision that, while complying with the Subdivision Ordinance, diverges from nominal compliance with site development regulations in the Land Development Ordinance. Creative subdivisions imply a higher level of pre-planning than conventional subdivisions. They may be employed for the purpose of environmental protection or the creation of superior community design. Types of Creative Subdivisions include Cluster Subdivisions and Traditional Neighborhood Districts.

207

### D

1. **Density:** The amount of development per specific unit of a site.
2. **Drive-in Services:** Uses that involve the sale of products or provision of services to occupants in vehicles.
3. **Detached:** Fully separated from any other building or jointed to another building in such a manner as not to constitute an enclosed or covered connection.
4. **Driveway:** An area providing vehicular access between a street and an off-street parking or loading area.

## DEFINITIONS

5. **Duplex:** A two-family residential use in which the dwelling units share a common wall (including without limitation the wall of an attached garage or porch) and in which each dwelling unit has living space on the ground floor and a separate, ground floor entrance.

6. **Dwelling Unit:** One or more rooms, designed, occupied or intended for occupancy as a separate living quarter, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

### 208 E

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

2. **Enclosed:** A roofed or covered space fully surrounded by walls.

### 209 F

1. **Family:** One or more persons living together and sharing common living, sleeping, cooking, and eating facilities within an individual housing unit, no more than 3 of whom may be unrelated. The following persons shall be considered related for the purpose of this title:

(a) Persons related by blood, marriage, or adoption;

(b) Persons residing with a family for the purpose of adoption;

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

(d) Not more than eight persons 19 years of age or older residing with a family for the purpose of receiving foster care licensed or approved by the State of Nebraska.

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

2. **Federal:** Pertaining to the Government of the United States of America.

3. **Floor Area Ratio:** The quotient of gross floor area divided by gross site area.

4. **Foundation:** That part of a building or wall, wholly or partly below grade, that constitutes a structural base for such building or wall.

5. **Frontage:** The length of a property line of any one premises abutting and parallel to a public street, private way, or court.

### 210 G

1. **Garage:** See "Private Garage."

2. **Grade:** The horizontal elevation of the finished surface of ground, paving, or sidewalk adjacent to any building line.

(a) For buildings having walls facing one street only, the grade shall be the elevation of the sidewalk at the center of the wall facing the street.

(b) For buildings having walls facing more than one street, the grade shall be the average elevation of the grades of all walls facing each street.

(c) For buildings having no walls facing a street, the grade shall be the average level of the finished surface of the ground adjacent to the exterior walls of the building.

## DEFINITIONS

3. **Gross Floor Area:** The total enclosed area of all floors of a building, measured to the inside surfaces of the exterior walls. This definition excludes the areas of basements, elevator shafts, airspaces above atriums, and enclosed off-street parking and loading areas serving a principal use.

### 211 H

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

2. **Home Based Business/Home Occupation:** An accessory occupational use conducted entirely within a dwelling unit by its inhabitants, which is clearly incidental to the residential use of the dwelling unit or residential structure and does not change the residential character of its site.

3. **Housing Unit or Dwelling Unit:** A building or portion of a building arranged for and intended for occupancy as an independent living facility for one family, including permanent provisions for cooking.

### 212 I

1. **Impervious coverage:** The total horizontal area of all buildings, roofed or covered spaces, paved surface areas, walkways and driveways, and any other site improvements that decrease the ability of the surface of the site to absorb water, expressed as a percent of site area. The surface water area of pools is excluded from this definition.

### 213 J

### 214 K

### 215 L

1. **Landscaped Area:** The area within the boundaries of a given lot, site or common development consisting primarily of plant material, including but not limited to grass, trees, shrubs, vines, ground cover, and other organic plant materials; or grass paver masonry units installed such that the appearance of the area is primarily landscaped.

(a) **Perimeter Landscaped Area:** Any required landscaped area that adjoins the exterior boundary of a lot, site or common development.

(b) **Interior Landscaped Area:** Any landscaped area within a site exclusive of required perimeter landscaping.

2. **Loading Area:** An off-street area used for the loading or unloading of goods from a vehicle in connection with the use of the site on which such area is located.

3. **Lot:** A parcel of property with a separate and distinct number or other identifying designation which has been created, assigned and recorded in the Office of the Pierce County Register of Deeds, as provided for by Nebraska Law. Each individual lot is subject to the provisions of a particular base Zoning District, and shall have a minimum frontage of 20 feet.

(a) **Corner Lot:** A lot located at the junction of at least two streets, private ways or courts or at least two segments of a curved street, private way or court, at which the angle of intersection is no greater than 135 degrees.

(b) **Double Frontage Lot:** A lot, other than a corner lot, having frontage on two streets, private ways or courts. Primary access shall be restricted on a double frontage lot to the minor of the two streets or to the front line as determined at time of platting or as defined by this ordinance. (Also known as a Through Lot)

(c) **Interior Lot:** A lot other than a corner lot.



## DEFINITIONS

(d) **Common Development Lot:** When two or more contiguous lots are developed as part of a Planned Unit Development, these lots may be considered a single lot for purposes of this ordinance.

4. **Lot Area:** The total horizontal area within the lot lines of a lot.

5. **Lot Depth:** The mean horizontal distance measured between the front and rear lot lines.

6. **Lot Line:** A property boundary line(s) of record that divides one lot from another lot or a lot from the public or private street right-of-way or easement. Once established, lot lines may not be redefined due to a change of address that would result in a new definition of the prior defined lot lines.

(a) **Front Lot Line:** The lot line separating a lot and a public or private street right-of-way or easement.

1. For an interior lot, the lot line separating the lot from the right-of-way or easement.

2. For a corner lot, the shorter lot line abutting a public or private street or easement. In instances of equal line dimension, the front lot line shall be determined by the Zoning Administrator, or as may be noted on the final plat.

3. For a double frontage lot, the lot lines separating the lot from the right-of-way or easement of the more minor street. In cases where each street has the same classification, the front lot line shall be determined by the Zoning Administrator at the time of application for the original building permit for the lot, or as may be noted on the final plat.

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

(c) **Side Lot Line:** Any lot line that is neither a front or rear lot line. A side lot line separating a lot from a street, private way or court is a street side lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

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

## 216 M

1. **Manufactured Home Dwelling:** A factory built structure which is to be used as a place for human habitation, which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site; does not have permanently attached to its body or frame any wheels or axles; bears a label certifying that it was built in compliance with the National Manufactured Home Construction and Safety Standards promulgated by the US Department of Housing and Urban Development; and which complies with the following architectural and aesthetic standards:

(a) The home shall have at least 900 square feet of floor area;

(b) The home shall have an exterior width of at least 18 feet;

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

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

(e) The home shall have a nonreflective roof material that is or simulates asphalt or wood shingles, tile, colored metal, or rock;

## DEFINITIONS

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- (f) Permanent utility connections shall be installed in accordance with local regulations;
- (g) The home shall have all wheels, axles, transporting lights, and towing apparatus removed; and
- (h) The home shall be installed upon a permanent foundation that is constructed and built in accordance with local regulations.

2. **Mixed Use Building:** A building or structure that incorporates two or more use types within a single building or structure, provided that each use type is permitted within the individual Base Zoning District in which the building or structure is to be located.

3. **Mixed Use Development:** A single development that incorporates complementary land use types into a single development.

4. **Mobile Homes:** A building type designed to be transportable in one or more sections, constructed on a permanent chassis or undercarriage, and designed to be used as a dwelling unit or other use with or without a permanent foundation when connected to the required utilities, but not bearing a seal attesting to the approval and issuance of the Nebraska Department of Health or conformance to the manufactured home procedural and enforcement regulations, as adopted by the US Department of Housing and Urban Development; or not otherwise satisfying the definition of Manufactured Home Dwellings.

5. **Mobile Home Park:** A unified development under single ownership, developed, subdivided, planned, and improved for the placement of mobile home units for non-transient use. Mobile Home Parks include common areas and facilities for management, recreation, laundry, utility services, storage, storm shelter, and other services; but do not include mobile home sales lots on which unoccupied mobile homes are parked for the purposes of display, inspection, sale, or storage.

6. **Mobile Home Subdivision:** A development subdivided, planned, and improved for the placement of mobile home units on lots for uses by the individual owners of such lots. Mobile Home Subdivisions may include common areas and facilities for management, recreation, laundry, utility services, storage, storm shelter, and other services; but do not include mobile home sales lots on which unoccupied mobile homes are parked for the purpose of display, inspection, sale, or storage.

## 217 N

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

2. **Nonconforming Lot:** A lot which was lawful prior to the adoption, revision, or amendment of this zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning ordinance. No action can be taken which would increase the non-conforming characteristics of the lot.

3. **Nonconforming Sign:** A sign that was legally erected prior to the adoption, revision, or amendment of this zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning ordinance.

4. **Nonconforming Structure:** A structure which was lawful prior to the adoption, revision, or amendment of this zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning ordinance. No action can be taken which would increase the non-conforming characteristics of the structure.

5. **Nonconforming Use:** A land use which was lawful prior to the adoption, revision, or amendment of this zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning ordinance. No action can be taken which would increase the non-conforming characteristics of the land use.

## DEFINITIONS

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6. **Nuisance:** An unreasonable and continuous invasion of the use and enjoyment of a property right which a reasonable person would find annoying, unpleasant, obnoxious, or offensive.

### 218 O

1. **Open Space:** Area included on any site or lot that is open and unobstructed to the sky, except for allowed projections of cornices, overhangs, porches, balconies, or plant materials.

2. **Outdoor Storage:** The storage of materials, parts, or products that are related to the primary use of a site for a period exceeding ten days.

3. **Overlay District:** A district established by this Ordinance to prescribe special regulations to be applied to a site only in combination with a base district.

4. **Owner:** An individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to seek development of land.

### 219 P

1. **Parking Facility:** An area on a lot and/or within a building, including one or more parking spaces, along with provision for access circulation, maneuvering, and landscaping, meeting the requirements of this Zoning Ordinance. Parking facilities include parking lots, private garages, and parking structures. Vehicle storage is distinct from parking, and is regulated by provisions in Sections 307b, 308, 309j, Table 4-2. Vehicle storage is also governed by provisions of Article 9: Parking Regulations.

2. **Parking Spaces:** An area on a lot and/or within a building, intended for the use of temporary parking of a personal vehicle. This term is used interchangeably with "parking stall". Each parking space must have a means of access to a public street. Tandem parking stalls in single-family detached, single-family attached, and townhome residential uses shall be considered to have a means of access to a public street.

3. **Paved:** Permanently surfaced with poured concrete, concrete pavers, or asphalt.

4. **Permitted Use:** A land use type allowed as a matter of right in a zoning district, subject only to special requirements of this Zoning Ordinance.

5. **Planning Commission:** The Planning Commission of Plainview, as authorized by Nebraska Law.

6. **Planned Unit Development:** A development of land which is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.

7. **Porch, Unenclosed:** A roofed or unroofed open structure projecting from an exterior wall of a building and having no enclosed features more than thirty inches above its floor other than wire screening and a roof with supporting structure.

8. **Premises:** A lot, parcel, tract or plot of land, contiguous and under common ownership or control, together with the buildings and structure thereon.

9. **Private Garage:** A building for the storage of motor vehicles where no repair service facilities are maintained and where no motor vehicles are kept for rental or sale.

10. **Property Line:** See "Lot Line."

### 220 Q

### 221 R



## DEFINITIONS

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1. **Recreational Vehicle:** A vehicle towed or self propelled on its own chassis or attached to the chassis of another vehicle and designed or used for temporary dwelling, recreational, or sporting purposes. Recreational vehicles include, but are not limited to, travel trailers; campers; motor coach homes; converted buses and trucks, boats, and boat trailers.
2. **Regulation:** A specific requirement set forth by this Zoning Ordinance that must be followed.
3. **Remote Parking:** A supply of off-street parking at a location not on the site of a given development.
4. **Right-Of-Way:** The strip of land on which a public street is built.

### 222 S

1. **Screening:** The method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, or other features as may be permitted by the landscape provisions of this ordinance.
2. **Setback:** The distance, as required by the minimum setback(s) which establishes the horizontal component(s) of the building envelope.
3. **Sign:** A symbolic, visual device fixed upon a building, vehicle, structure, or parcel of land, which is intended to convey information about a product, business, activity, place, person, institution, candidate, or political idea.
4. **Site:** The parcel of land to be developed or built upon. A site may encompass a single lot; or a group of lots developed as a common development under the special and overlay districts provisions of this ordinance.
5. **Site Plan:** A plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, and principal site development features proposed for a specific parcel of land; and any other information that may be reasonably be requested by the County in order that an informed decision can be made on the associated request.
6. **Special Permit Use:** A use with operating and/or physical characteristics different from those of permitted uses in a given zoning district which may, nonetheless, be compatible with those uses under special conditions and with adequate public review. Special permit uses are allowed in a zoning district only at the discretion of and with the explicit permission of the City Council, upon the recommendation of the Planning Commission.
7. **State:** The State of Nebraska.
8. **Story:** The portion of a building included between the surface of any floor and the surface of the next floor above it; if there is no floor above it, the space between such floor and the next ceiling above it. A half story is a story under a sloped roof, the wall heights of which on at least two opposite, exterior walls are less than four feet.
9. **Street:** A right of way, dedicated to public use, which affords a primary means of access to the abutting property. This definition is intended to be inclusive of the term as defined in Nebraska statute.
10. **Street, Intersecting and Principal:** In regard to a site, the principal street shall be the street to which the majority of lots on a blockface are oriented; the intersecting street shall be a street other than a principal street.
11. **Street, Local:** A street which is used primarily for access to the abutting properties.

## DEFINITIONS

12. **Street, Major:** A street carrying traffic between neighborhoods, connecting neighborhoods with major activity centers, or accommodating major through traffic. Major streets are designated as collectors, arterials, or expressways by the Comprehensive Development Plan.

13. **Street, Minor:** A street whose sole function is to provide access to abutting properties. In cases of double frontage lots, the minor street is the one that serves fewer uses and which is designed to handle fewer auto trips per day than adjacent streets.

14. **Street Yard:** The area of a lot or parcel that lies between any street property line and the fronting walls of any building or buildings on the parcel. The street yard follows all irregularities or indentations in the building, excluding minor irregularities such as porches or steps.

15. **Structure:** Any object constructed or built, the use of which requires location on the ground or attachment to something located on the ground.

### 223 T

1. **Townhouse:** A dwelling unit having a common wall with or abutting one or more adjacent dwelling units in a townhouse structure, with its own front and rear access to the outside, and neither above nor below any other dwelling unit.

2. **Townhouse Structure:** A building formed by at least two and not more than twelve contiguous townhouses with common or abutting walls.

### 224 U

1. **Use:** The conduct of an activity, or the performance of a function or operation, on a site or in a building or facility.

2. **Utilities:** Installations, either above or below ground, necessary for the production, generation, transmission, delivery, collection, treatments, or storage of water, solid or fluid wastes, storm water, energy media, gas, electronic or electromagnetic signals, or other services which are precedent to development and use of land.

### 225 V

### 226 W

### 227 X

### 228 Y

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

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

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

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

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

2. **Yard, Street:** See Street Yard

### 229 Z

## DEFINITIONS

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



# 3

## ARTICLE THREE

### USE TYPES

#### 301 Purpose

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

#### 302 Determinations

##### a. Classification of Uses

In the event of any question as to the appropriate use types of any existing or proposed use or activity, the Zoning Administrator of the City of Plainview shall have the authority to determine the appropriate use type. A determination of the Zoning Administrator may be appealed to the Board of Adjustment. In making such determinations, the Zoning Administrator and Board of Adjustment shall consider such characteristics or specific requirements of the use in common with those included as examples of use types. Those examples, when included in use type descriptions, are intended to be illustrative, as opposed to exclusive lists.

##### b. Records

The Zoning Administrator shall make all such determinations of appropriate use types in writing. The record of the determination shall contain a report explaining the reasons for the determination.

#### 303 Agricultural Use Types

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

##### a. Horticulture

The growing of horticultural and floricultural specialties, such as flowers, shrubs, or trees intended for ornamental or landscaping purposes. This definition may include accessory retail sales under certain conditions. Typical uses include wholesale plant nurseries and greenhouses.

##### b. Crop Production

The raising and harvesting of tree crops, row crops for field crops on an agricultural or commercial basis. This definition may include accessory retail sales under certain conditions.

##### c. Type I Animal Production

The raising of animals or production of animal products, such as eggs or dairy products on an agricultural or commercial basis on a site which is also used for crop production or where grazing of natural vegetation is the major feed source; or the raising of animals for recreational use. Type I Animal Production shall also include confined feeding and holding facilities consisting of no more than 20 feeder or fat cattle; no more than 20 beef cows; no more than 20 dairy cattle or horses; no more than 50 swine, llamas, and ostriches or similar large birds; no more than 200 sheep; no more than 300 turkeys; and/or no more than 1,000 chickens, ducks, or geese. Typical uses include grazing, ranching, dairy farming, and poultry farming.

d. Type II Animal Production

The confined feeding and holding facilities consisting of between 21 and 150 feeder or fat cattle; between 21 and 100 beef cows; between 21 and 100 dairy cattle or horses; between 51 and 500 swine, llamas, and ostriches or similar large birds; between 201 and 2,000 sheep; between 301 and 3,000 turkeys; and/or between 1,001 and 10,000 chickens, ducks, or geese within buildings, lots, pens, or other close quarters which are not used for crop production or where grazing of natural vegetation is not the major feed source. Typical uses include small commercial feedlots.

e. Type III Animal Production

The confined feeding and holding facilities consisting of more than 150 feeder or fat cattle; more than 100 beef cows; more than 100 dairy cattle or horses; more than 500 swine, llamas, and ostriches or similar large birds; more than 2,000 sheep; more than 3,000 turkeys; and/or more than 1,001 and 10,000 chickens, ducks, or geese within buildings, lots, pens, or other close quarters which are not used for crop production or where grazing of natural vegetation is not the major feed source. Typical uses include large commercial feedlots.

f. Livestock Sales

Use of a site for the temporary confinement and exchange or sale of livestock. Typical uses include sale barns.

**304 Residential Use Types**

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

a. Single-Family Residential

The use of a site for one dwelling unit, occupied by one family. (NOTE: Mobile home units are not a single-family use type. See below categories for such units).

1. Single-Family Residential (Detached): A single-family residential use in which one dwelling unit is located on a single lot, with no physical or structural connection to any other dwelling unit.
2. Single-Family Residential (Attached): A single-family residential use in which one dwelling unit is located on a single lot and is attached by a common vertical wall to only one other adjacent dwelling unit on another single lot.

b. Duplex Residential

The use of a legally described lot for two dwelling units, each occupied by one family within a single building, excluding manufactured or mobile home units, but including modular housing units.

c. Two-Family Residential

The use of a site for two dwelling units, each occupied by one family, each in a separate building, excluding a mobile home unit.

d. Townhouse Residential

The use of a site for three or more attached dwelling units, each occupied by one family and separated by vertical side walls extending from foundation through roof without openings. Each townhouse unit must have at least two exposed exterior walls.

e. Multiple-Family Residential

The use of a site for three or more dwelling units within one building.

f. Downtown Residential

The use of any levels of a building within the Central Business District of the City of Plainview for single- or multiple-family residential uses.

g. Group Residential

The use of a site for a residence by more than three unrelated persons, not defined as a family, on a weekly or longer basis.

h. Manufactured Home Residential

Use of a site for one or more manufactured home dwellings, as defined in Section 216.

i. Mobile Home Park

Use of a site under single ownership for one or more mobile home units. Generally, the land on which mobile homes are placed in a Mobile Home Park is leased from the owner of the facility.

j. Mobile Home Subdivision

Division of a tract of land into lots that meet all the requirements of the City of Plainview's subdivision ordinance for the location of mobile homes. Generally, a lot within a Mobile Home Subdivision is owned by the owner of the mobile home placed upon such lot.

k. Retirement Residence

A building or group of buildings which provide residential facilities for more than four residents of at least sixty-two years of age, or households headed by a householder of at least sixty-two years of age. A retirement residence may provide a range of residential building types and may also provide support services to residents, including but not limited to food service, general health supervision, medication services, housekeeping services, personal services, recreation facilities, and transportation services. The retirement residence may accommodate food preparation in independent units or meal service in one or more common areas. Retirement residences may include additional health care supervision or nursing care.

### 305 Civic Use Types

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

a. Administration

Governmental offices providing administrative, clerical or public contact services that deal directly with the citizen, together with incidental storage and maintenance of necessary vehicles. Typical uses include federal, state, county, and city offices.

## USE TYPES

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b. Cemetery

Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematoria, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

c. Clubs

Uses providing meeting, recreational, or social facilities for a private, nonprofit or noncommercial association, primarily for use by members and guests.

d. College and University Facilities

An educational institution of higher learning which offers a course of study designed to culminate in the issuance of a degree certified by a generally recognized accrediting organization.

e. Convalescent Services

A use providing bed care and inpatient services for persons requiring regular medical attention but excluding a facility providing surgical or emergency medical services and excluding a facility providing care for alcoholism, drug addiction, mental disease, or communicable disease. Typical uses include nursing homes.

f. Cultural Services

A library, museum, or similar registered nonprofit organizational use displaying, preserving and exhibiting objects of community and cultural interest in one or more of the arts and sciences.

g. Day Care Services (Limited)

This Use Type includes all classifications of day care facilities regulated by the State of Nebraska, limited to one full-time operator who lives on site providing care for not more than eight (8) children. This term includes nursery schools, preschools, day care centers for children or adults, and similar uses but excludes public and private primary and secondary educational facilities.

Day Care Services (General)

This Use Type includes all classifications of day care facilities regulated by the State of Nebraska that operate providing care for more than eight (8) children. This term includes nursery schools, preschools, day care centers for children or adults, and similar uses but excludes public and private primary and secondary educational facilities.

i. Detention Facilities

A publicly operated or contracted use providing housing and care for individuals legally confined, designed to isolate those individuals from the community.

j. Emergency Residential Services

A facility or use of a building to provide a protective sanctuary for victims of crime or abuse, including emergency housing during crisis intervention for victims of rape, abuse, or physical beatings.



k. Group Care Facility

A facility licensed or approved by the State of Nebraska or other appropriate agency, which provides for the care and short or long-term, continuous multi-day occupancy of more than three unrelated persons who require and receive therapy or counseling on site as part of an organized and therapeutic ongoing program for any of the purposes listed below. Such facilities shall exclude those uses defined as group homes. Group Care Facilities include facilities which provide for the:

1. Adaptation to living with, or rehabilitation from, the handicaps of physical disability.
2. Adaptation to living with, or rehabilitation from, the handicaps of emotional or mental disorder; or of mental retardation if such facility has an overnight occupancy of more than eight persons.
3. Rehabilitation from the effects of drug or alcohol abuse.
4. Supervision while under a program alternative to imprisonment, including but not limited to pre-release, work-release, and probationary programs.

l. Group Home

A facility licensed by the State of Nebraska in which at least four but no more than eight persons, not including resident managers or house parents, who are unrelated by blood, marriage, or adoption reside while receiving therapy, training, or counseling for the purpose of adaptation to living with or rehabilitation from cerebral palsy, autism, or mental retardation.

m. Guidance Services

A use providing counseling, guidance, recuperative, or similar services to persons requiring rehabilitation assistance as a result of mental illness, alcoholism, detention, drug addiction, or similar condition on a daytime care basis.

n. Health Care

A facility providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an outpatient basis including emergency treatment, diagnostic services, training, administration and services to outpatients, employees, or visitors.

o. Hospital

A facility providing medical, psychiatric, or surgical service for sick or injured persons primarily on an inpatient basis, including emergency treatment, diagnostic services, training, administration, and services to patients, employees, or visitors.

p. Maintenance Facilities

A public facility supporting maintenance, repair, vehicular or equipment servicing, material storage, and similar activities including street or sewer yards, equipment service centers, and similar uses having characteristics of commercial services or contracting or industrial activities.

q. Park and Recreation Services

Publicly-owned and operated parks, playgrounds, recreation facilities, and open spaces.

r. Postal Facilities

Postal services, including post offices, bulk mail processing or sorting centers operated by the United States Postal Service.

## USE TYPES

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s. Primary Educational Facilities

A public, private, or parochial school offering instruction at the elementary school level in the branches of learning study required to be taught in schools within the State of Nebraska.

t. Public Assembly

Facilities owned and operated by a public agency or a charitable nonprofit organization accommodating major public assembly for recreation, sports, amusement, or entertainment purposes. Typical uses include civic or community auditoriums, sports stadiums, convention facilities, fairgrounds, incidental sales, and exhibition facilities.

u. Religious Assembly

A use located in a permanent building and providing regular organized religious worship and religious education incidental thereto (excluding private primary or private secondary educational facilities, community recreational facilities, day care facilities, and incidental parking facilities). A property tax exemption obtained pursuant to Property Tax Code of the State of Nebraska shall constitute prima facie evidence of religious assembly use.

v. Safety Services

Facilities for conduct of public safety and emergency services including police and fire protection services and emergency medical and ambulance services.

w. Secondary Educational Facilities

A public, private, or parochial school offering instruction at the junior high or high school level in the branches of learning and study required to be taught in the schools of the State of Nebraska.

x. Utilities

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

### 306 Office Use Types

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

a. General Offices

Use of a site for business, professional, or administrative offices. Typical uses include real estate, insurance, management, travel, or other business offices; organization and association offices; banks or financial offices; or professional offices.

b. Financial Services

Provision of financial and banking services to consumers or clients. Walk-in and drive-in services to consumers are provided on site. Typical uses include banks, savings and loan associations, savings banks, and loan companies. An ATM (Automatic Teller Machine) which is not accompanied on-site by an office of its primary financial institution is considered a "General Retail Services" Use Type.

c. Medical Offices

Use of a site for facilities which provide diagnoses and outpatient care on a routine basis, but which does not provide prolonged, in-house medical or surgical care. Medical offices are operated by doctors, dentists, or similar practitioners licensed for practice in the State of Nebraska.

**307 Commercial Use Types**

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

a. Agricultural Sales and Service

Establishments or places of business engaged in sale from the premises of feed, grain, fertilizers, farm equipment, pesticides and similar goods or in the provision of agriculturally related services with incidental storage on lots other than where the service is rendered. Typical uses include nurseries, hay, farm implement dealerships, feed and grain stores, and tree service firms.

b. Automotive and Equipment Services

Establishments or places of business primarily engaged in sale and/or service of automobiles, trucks, or heavy equipment. The following are considered automotive and equipment use types:

1. **Automotive Rental and Sales:** Sale or rental of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles or boats, including incidental storage, maintenance, and servicing. Typical uses include new and used car dealerships; motorcycle dealerships; and boat, trailer, and recreational vehicle dealerships.
2. **Auto Services:** Provision of fuel, lubricants, parts and accessories, and incidental services to motor vehicles; and washing and cleaning and/or repair of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include service stations, car washes, muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, and similar repair and service activities but exclude dismantling, salvage, or body and fender repair services.
3. **Body Repair:** Repair, painting, or refinishing of the body, fender, or frame of automobiles, trucks, motorcycles, motor homes, recreational vehicles, boats, tractors, construction equipment, agricultural implements, and similar vehicles or equipment. Typical uses include body and fender shops, painting shops, and other similar repair or refinishing garages.
4. **Equipment Rental and Sales:** Sale or rental of trucks, tractors, construction equipment, agricultural implements, mobile homes, and similar heavy equipment, including incidental storage, maintenance, and servicing. Typical uses include truck dealerships, construction equipment dealerships, and mobile home sales establishments.
5. **Equipment Repair Services:** Repair of trucks, tractors, construction equipment, agricultural implements, and similar heavy equipment. Typical uses include truck repair garages, tractor and farm implement repair services, and machine shops, but exclude dismantling, salvage, or body and fender repair services.
6. **Vehicle Storage:** Inside storage of operating or non-operating vehicles, including long-term storage. Long-term storage of operating or non-operating vehicles beyond 21 days constitutes an Industrial Use Type.

## USE TYPES

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c. Bed and Breakfast

Conversion of a structure or group of structures for lodging use, providing no more than ten units, one of which must be occupied by the owner of the premises, and furnishing guests with breakfast and other incidental services.

d. Business Support Services

Establishments or places of business primarily engaged in the sale, rental or repair of equipment, supplies and materials or the provision of services used by office, professional and service establishments to the firms themselves but excluding automotive, construction and farm equipment; or engaged in the provision of maintenance or custodial services to businesses. Typical uses include office equipment and supply firms, small business machine repair shops or hotel equipment and supply firms, janitorial services, photography studios, and convenience printing and copying.

e. Business or Trade Schools

A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college or university, or public or private educational facility.

f. Campground

Facilities providing camping or parking areas and incidental services for travelers in recreational vehicles or tents, which accommodate each guest or visitor for no more than 7 consecutive days during any one month period.

g. Cocktail Lounge

A use engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, including taverns, bars, cocktail lounges, and similar uses other than a restaurant as that term is defined in this section.

h. Commercial Recreation (Indoors)

Private businesses, or other organizations which may or may not be commercial by structure or by nature, which are primarily engaged in the provision or sponsorship of sports, entertainment, or recreation for participants or spectators. The preponderance of activities occur within enclosed structures. Typical uses include movie theaters, private dance halls, or private skating facilities.

i. Commercial Recreation (Outdoors)

Private businesses, or other organizations which may or may not be commercial by structure or by nature, which are primarily engaged in the provision or sponsorship of sports, entertainment, or recreation for participants or spectators. The preponderance of activities occur outside of enclosed structures. Typical uses include driving ranges, commercial race tracks, and drive-in theaters.

j. Communications Services

Establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms but excludes those classified as Utilities. Typical uses include television studios, telecommunication service centers, telegraph service offices, or film and sound recording facilities. Broadcast towers, and their minor ancillary ground structures are classified as "Miscellaneous Use Types."



## USE TYPES

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k. Construction Sales and Services

Establishments or places of business primarily engaged in the retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures other than retail sale of paint, fixtures and hardware. This use type excludes those uses classified under Automotive and Equipment Services. Typical uses include building materials sales, or tool and equipment rental or sales.

l. Consumer Services

Establishments which provide services, primarily to individuals and households, but excluding Automotive Use Types. Typical uses include automated banking machines, appliance repair shops, watch or jewelry repair shops, or musical instrument repair shops.

m. Convenience Storage

Storage services primarily for personal effects, household goods, recreational vehicles, trailers, and boats, and personally owned vehicles within enclosed storage areas having individual access but excluding use of such areas as workshops, hobby shops, manufacturing, or commercial activity. Typical uses include mini-warehousing.

n. Food Sales

Establishments or places of business primarily engaged in the retail sale of food or household products for home consumption. Food sales establishments may include the sale of non-food items. However, the sale of non-food items may account for no more than 33% of the sales are of the Food Sales establishment. Typical uses include groceries, delicatessens, meat markets, retail bakeries, and candy shops.

1. Convenience Food Sales: Establishments occupying facilities of less than 10,000 square feet; and characterized by sales of specialty foods or a limited variety of general items, and by the sales of fuel for motor vehicles.

2. Limited Food Sales: Establishments occupying facilities of less than 10,000 square feet; and characterized by sales of specialty foods or a limited variety of general items, but excluding the accessory sale of fuel for motor vehicles. Typical uses include delicatessens, meat markets, retail bakeries, candy shops, small grocery stores.

3. General Food Sales: Establishments selling a wide variety of food commodities, using facilities larger than 10,000 square feet. Typical uses include supermarkets.

o. Funeral Services

Establishments engaged in undertaking services such as preparing the human dead for burial, and arranging and managing funerals. Typical uses include funeral homes or mortuaries.

p. Gaming Facilities

Establishments engaged in the lawful, on-site operation of games of chance that involve the risk of money for financial gain by patrons. Gaming facilities shall include the accessory sale of liquor and food, pursuant to licensing regulations of the City of Plainview or the State of Nebraska.

## USE TYPES

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### q. Retail Services

Sale or rental with incidental service of commonly used goods and merchandise for personal or household use but excludes those classified more specifically by these use type classifications. Typical uses include department stores, apparel stores, furniture stores, or establishments providing the following products or services:

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

1. Limited Retail Services: Establishments providing retail services, occupying facilities of 5,000 square feet or less for any single establishment or 10,000 square feet or less for a multi-tenant facility. Typical establishments provide for specialty retailing or retailing oriented to Plainview and a local market.
2. General Retail Services: Establishments providing retail services, occupying facilities of more than 5,000 square feet for any single establishment or more than 10,000 square feet for a multi-tenant facility. Typical establishments provide for general purpose retailing oriented to Plainview and its immediate vicinity.

### r. Kennels

Boarding and care services for dogs, cats and similar small mammals or large birds; or any premises on which three or more animals included under this definition over four months of age are kept and maintained. Typical uses include boarding kennels, ostrich raising facilities; pet motels, or dog training centers.

### s. Laundry Services

Establishments primarily engaged in the provision of laundering, cleaning or dyeing services other than those classified as Personal Services. Typical uses include bulk laundry and cleaning plans, diaper services, or linen supply services.

### t. Liquor Sales

Establishments or places of business engaged in retail sale for off-premise consumption of alcoholic beverages. Typical uses include liquor stores, bottle shops, or any licensed sales of liquor, beer or wine for off-site consumption.

### u. Lodging

Lodging services involving the provision of room and/or board, but not meeting the classification criteria of Bed and Breakfasts. Typical uses include hotels, apartment hotels, and motels.

### v. Personal Improvement Services

Establishments primarily engaged in the provision of informational, instructional, personal improvements and similar services of a nonprofessional nature. Typical uses include driving schools, health or physical fitness studios, reducing salons, dance studios, handicraft and hobby instruction.

## USE TYPES

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### w. Personal Services

Establishments or places of business primarily engaged in the provision of services of a personal nature. Typical uses include beauty and barber shops; seamstress, tailor, or shoe repair shops; photography studios; or dry cleaning stations serving individuals and households, driving schools, health or physical fitness studios, reducing salons, dance studios, handicraft and hobby instruction.

### x. Pet Services

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

### y. Research Services

Establishments primarily engaged in research of an industrial or scientific nature. Typical uses include electronics research laboratories, space research and development firms, testing laboratories, or pharmaceutical research labs.

### z. Restricted Businesses

Any business activity which offers the opportunity to view sexual activities or view or touch anatomical areas for entertainment purposes in a manner that offends contemporary standards in the community of Plainview, depicts or describes sexual conduct in a patently offensive way, and lacks serious literary, artistic, political, or scientific value. This category includes the sale or viewing of visual or print materials that meet these criteria. Typical uses include retail services or stores which are distinguished by an emphasis on activities or materials that emphasize sexual content; businesses which offer live performances characterized by exposure of specified anatomical areas; and adult theaters.

### aa. Restaurants

A use engaged in the preparation and retail sale of food and beverages; including the sale of alcoholic beverages when conducted as a secondary feature of the use, producing less than 50 per cent of the establishment's gross income.

1. Restaurant (Drive-in or Fast Food): An establishment which principally supplies food and beverages in disposable containers and is characterized by high automobile accessibility and on-site accommodations, self-service, and short stays by customers.

2. Restaurant (General): An establishment characterized by table service to customers and/or accommodation to walk-in clientele, as opposed to Drive-in or Fast Food Restaurants. Typical uses include cafes, coffee shops, and restaurants.

### bb. Stables and/or Riding Academies

The buildings, pens and pasture areas used for the boarding and feeding of horses, llamas, or other equine not owned by the occupants of the premises. This use includes instruction in riding, jumping, and showing or the riding of horses/equine for hire.

### cc. Surplus Sales

Businesses engaged in the sale of used or new items, involving regular, periodic outdoor display of merchandise for sale. Typical uses include flea markets and factory outlets or discount businesses with outdoor display.

dd. Trade Services

Establishments or places of business primarily engaged in the provision of services that are not retail or primarily dedicated to walk-in clientele. These services often involve services to construction or building trades and may involve a small amount of screened, outdoor storage in appropriate zoning districts. Typical uses include shops or operating bases for plumbers, electricians, or HVAC (heating, ventilating, and air conditioning) contractors.

ee. Vehicle Storage

Long term storage beyond 21 days is allowable only where vehicles are in a totally enclosed structure, and personally owned by the owner or tenant controlling the structure.

ff. Veterinary Services

Veterinary services and hospitals for animals. Typical uses include pet clinics, dog and cat hospitals, pet cemeteries, and veterinary hospitals for livestock and large animals.

**308      Parking Use Types**

a. Off-Street Parking

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

b. Parking Structure

The use of a site for a multilevel building which provides for the parking of motor vehicles on a temporary basis, other than as an accessory to a principal use on the same site.

**309      Industrial Use Types**

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

a. Agricultural Industries

Establishments or uses engaged in the large-scale storage or initial processing of agricultural products and supplies that cannot be otherwise categorized as light, general, or heavy industries, some of which may involve storage of potentially hazardous materials. Typical uses include grain elevators and anhydrous ammonia storage facilities.

b. Construction Yards

Establishments housing facilities of businesses primarily engaged in construction activities, including incidental storage of materials and equipment on lots other than construction sites. Typical uses are building contractor's yards.



## USE TYPES

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### c. Custom Manufacturing

Establishments primarily engaged in the on-site production of goods by hand manufacturing, within enclosed structures, involving:

1. The use of hand tools, or
2. The use of domestic mechanical equipment not exceeding 2 horsepower, or
3. A single kiln not exceeding 8 KW or equivalent.

This category also includes the incidental direct sale to consumers of only those goods produced on site. Typical uses include ceramic studios, custom jewelry manufacturing, and candle making shops.

### d. Light Industry

Establishments engaged in the manufacture or processing of finished products from previously prepared materials, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution. These establishments are characterized by having no major external environmental effects across property lines and include no unscreened or unenclosed outdoor storage. Typical uses include commercial bakeries, dressed beef processing plants, soft drink bottling, and apparel assembly from fabrics, electronics, manufacturing, print shops and publishing houses.

### e. General Industry

Enterprises engaged in the processing, manufacturing, compounding, assembly, packaging, treatment or fabrication of materials and products from prepared materials or from raw materials without noticeable noise, odor, vibration, or air pollution effects across property lines.

### f. Heavy Industry

Enterprises involved in the basic processing and manufacturing of products, predominately from raw materials, with noticeable noise, odor, vibration, or air pollution effects across property lines; or a use or process engaged in the storage of or processes involving potentially or actually hazardous, explosive, flammable, radioactive, or other commonly recognized hazardous materials.

### g. Recycling Collection

Any site which is used in whole or part for the receiving or collection of any postconsumer, nondurable goods including, but not limited to glass, plastic, paper, cardboard, aluminum, tin, or other recyclable commodities.

### h. Recycling Processing

Any site which is used for the processing of any postconsumer, nondurable goods including, but not limited to glass, plastic, paper, cardboard, aluminum, tin, or other recyclable commodities.

### i. Resource Extraction

A use involving on-site extraction of surface or subsurface mineral products or natural resources, excluding the grading and removal of dirt. Typical uses are quarries, borrow pits, sand and gravel operations, mining.

j. Salvage Services

Places of business primarily engaged in the storage, sale, dismantling or other processing of used or waste materials which are not intended for reuse in their original forms. Typical uses include automotive wrecking yards, junk yards, or paper salvage yards.

k. Warehousing (Enclosed)

Uses including storage, warehousing, distribution, and handling of goods and materials within enclosed structures. Typical uses include wholesale distributors, storage warehouses, and van and storage companies.

l. Warehousing (Open)

Uses including open air storage, distribution, and handling of goods and materials. Typical uses include monument yards, materials yards, open storage.

**310 Transportation Use Types**

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

a. Aviation Facilities

Landing fields, aircraft parking and service facilities, and related facilities for operation, service, fueling, repair, storage, charter, sales, and rental of aircraft, and including activities directly associated with the operation and maintenance of airport facilities and the provision of safety and security.

b. Railroad Facility

Railroad yards, equipment servicing facilities, and terminal facilities.

c. Transportation Terminal

Facility for loading, unloading, and interchange of passengers, baggage, and incidental freight or package express, including bus terminals, railroad stations, public transit facilities.

d. Truck Terminal

A facility for the receipt, transfer, short term storage, and dispatching of goods transported by truck.

**311 Miscellaneous Type Uses**

a. Alternative Energy Production Devices

The use of a site for the production of energy utilizing methods that do not involve the oxidation, combustion, or fission of primary materials. Typical uses include solar collector fields, installations which generate energy by harnessing the natural heat of the earth or of geological features, or water-powered mills or generating facilities.

## USE TYPES

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b. Broadcasting Tower

A structure(s) for the transmission or broadcasting of radio, television, radar, or microwaves, ordinarily exceeding the maximum height permitted in its zoning district or utilizing antennas or satellite dishes for commercial broadcasting.

c. Amateur Radio Tower

A structure(s) for the transmission or broadcasting of electromagnetic signals by FCC-licensed Amateur Radio operators.

d. Construction Batch Plant

A temporary demountable facility used for the manufacturing of cement, concrete, asphalt, or other paving materials intended for specific construction projects.

e. Wind Energy Conservation System (WECS)

Any device which converts wind energy to a form of usable energy, including wind charges, windmills, or wind turbines.

f. Landfill (Non-putrescible Solid Waste Disposal)

The use of a site as a depository for solid wastes that do not readily undergo chemical or biological breakdown under conditions normally associated with land disposal operations. Typical disposal material would include ashes, concrete, paving wastes, rock, brick, lumber, roofing materials and ceramic tile.

g. Landfill (Putrescible and Non-putrescible Solid Waste Disposal)

The use of a site as a depository for any solid waste except hazardous and toxic waste as defined by the Federal Environmental Protection Agency and/or the State of Nebraska. Typical disposal material would include non-putrescible wastes; and putrescible wastes such as vegetation, tree parts, agricultural wastes (garbage) and manure.

# 4

## ARTICLE FOUR

### ZONING DISTRICT REGULATIONS

#### 401 Purpose

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

#### 402 Establishment of Districts

The following base districts and overlay districts are hereby established. Table 4-1 displays the purposes of these districts.

<u>BASE ZONING DISTRICTS</u>	<u>DISTRICT NAMES</u>
TA	Transitional Agricultural District
AG	General Agricultural District
R-1	Single-Family Residential District
R-2	Two-Family Residential District
R-3	Multiple-Family Residential District
R-4	Mobile Home Residential District
HC	Highway Commercial District
DC	Downtown District
I	Industrial District
<u>OVERLAY DISTRICTS</u>	<u>DISTRICT NAMES</u>
HD	Historic District
P	Public Use District

#### 403 Application of Districts

A base district designation shall apply to each lot or site within the city and its planning jurisdiction. A site must be in one base district.

Overlay districts may be applied to any lot or site or any portion thereof, in addition to a base district designation.

#### 404 Hierarchy

References in the Zoning Ordinance to less intensive or more intensive districts shall be deemed to refer to those agricultural, residential, commercial, and industrial base zoning districts established in Section 4-2, and shall represent a progression from the TA Transitional Agricultural District as the least intensive to the I Industrial District as the most intensive. The Overlay Districts shall not be included in this reference.



**405 Development Regulations**

For each Zoning District: Purposes are set forth in Table 4-1; Uses permitted are set forth in Table 4-2; and Site Development Regulations are presented in Table 4-3.

Supplemental Regulations may affect specific land uses or development regulations in each zoning district. The applicable Supplemental Regulations are noted in Table 4-2.

**406 Zoning Map**

a. Adoption of Zoning Map

Boundaries of zoning districts established by this Zoning Ordinance shall be shown on the Zoning Map maintained by the City Clerk. This map, together with all legends, references, symbols, boundaries, and other information, shall be adopted as a part of, and concurrent with this Ordinance. Said Zoning Map shall be prominently displayed in the council chambers and/or an area accessible to the public at Plainview City Hall.

b. Changes to the Zoning Map

The Zoning Map may be changed from time to time by ordinance, following the procedure set forth by Article Twelve. Such changes shall be reflected on the Zoning Map. The City Clerk shall keep a complete record of all changes to the Zoning Map.

**407 Interpretation of District Boundaries**

The following rules shall apply in determining the boundaries of any zoning district shown on the Zoning Map.

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

**408 Vacation of Streets and Alleys**

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

## ZONING DISTRICT REGULATIONS

**Table 4-1: Purpose of Each Zoning District**

Symbol	Title	Purpose
<b>TA</b>	Transitional Agricultural	This district provides for agricultural and very low density residential development in close proximity to developed urban areas. This district is designed to provide for the orderly transition of land use from agricultural or other open land uses to urban uses where appropriate. The district also accommodates developments that merge urban living with rural life. It generally does not permit agricultural uses that can have the greatest impact on adjacent, non-agricultural uses.
<b>AG</b>	General Agricultural	The AG District provides for and preserves the agricultural and rural use of land, while accommodating very low density residential development generally associated with agricultural uses. This district is designed to maintain complete agricultural uses within the Plainview extra-territorial jurisdiction.
<b>R-1</b>	Single-Family Residential	This district is intended to provide for low to medium density residential neighborhoods, characterized by single-family dwellings on moderately sized lots with supporting community facilities. Its regulations are intended to minimize traffic congestion and to assure that density is consistent with the carrying capacity of infrastructure.
<b>R-2</b>	Two-Family Residential	This district is intended to provide for medium density residential neighborhoods, characterized by single-family or two-family dwellings on small to moderately sized lots with supporting community facilities. Its regulations are intended to minimize traffic congestion and to assure that density is consistent with the carrying capacity of infrastructure.
<b>R-3</b>	Multiple-Family Residential	This district is intended to provide locations for a variety of housing types, including multiple-family housing, with supporting and appropriate community facilities. The district integrates some appropriate non-residential uses such as offices to permit the development of mixed-use neighborhoods.
<b>R-4</b>	Mobile Home Residential	This district recognizes that mobile home development, properly planned, can provide important opportunities for affordable housing. It provides opportunities for mobile home development within planned parks or subdivisions, along with the supporting services necessary to create quality residential neighborhoods.
<b>HC</b>	Highway Commercial	This district accommodates a variety of commercial uses, some of which have significant traffic or visual effect. These districts may include commercial uses that are oriented to services, including automotive services, rather than retail activities. These uses may create land use conflicts with adjacent residential areas, requiring provision of adequate buffering. This district is most appropriately located along major arterial streets or in areas that can be adequately buffered from residential districts.
<b>DC</b>	Downtown District	This district is intended to provide appropriate development regulations for Downtown Plainview. Mixed uses are encouraged within the DC District. The grouping of uses is designed to strengthen Downtown's role as a center for trade, service, and civic life.
<b>I</b>	Industrial	This district is intended to accommodate a wide variety of industrial uses, ranging from uses with relatively limited environmental effects to those with significant external effects. These uses may have operating characteristics that create conflicts with lower-intensity surrounding land uses. The district provides buffering requirements to reduce incompatibility.

# ZONING DISTRICT REGULATIONS

Table 4-2: Permitted Uses by Zoning Districts

Use Types	AT	AG	R-1	R-2	R-3	R-4	HC	DC	I	P	Addl Reg
<b>Agricultural Uses</b>											
Horticulture	P	P					S		S		602
Crop Production	P	P	(S)	S	S				S		602
Type I Animal Production	S	P									602
Type II Animal Production		S									
Type III Animal Production											
Livestock Sales		P									
<b>Residential Uses</b>											
Single-Family Detached	P	P	P	P	P	P	S	S			
Single-Family Attached	P	S	P	P	P	P	S	S			603
Duplex	P	S	S	P	P	S	S	S			
Two-Family	P	S		P	P	S	S	S			
Townhouse	P	S		S	P	S	S	S			603
Multiple-Family	S	S		S	P	S	S	S			
Downtown Residential							P	S			603
Mobile Home Park						P					603
Mobile Home Subdivision						P					603
Manufactured Housing Residential	P	P	P	P	P	P	S	S			
Retirement Residential	P		S	S	P		S	S			
<b>Civic Uses</b>											
Administration	S		S	S	S	S	P	P	P	P	
Cemetery	S	S		S	S	S					
Clubs	S	S		S	S	S	P	P	P	P	604a
College/Univ	S	S		S	S	S	P	P		P	
Convalescent Services	S			S	P	S	S	S	S	S	
Cultural Services	P	S		S	S	P	P	P	P	S	
Day Care (Ltd)	S	P	S	S	S	S	P	P	S	S	604b
Day Care (Gen)	S	S	S	S	S	S	P	P	S	S	604b
Detention Facilities	S	S									
Emergency Residential	P	P	P	P	P	P	P	S	S		
Group Care Facility	S	S					S	S	S		604c
Group Home	S	S	S	S	S	S	S				604c
Guidance Services			S	S	S	S	P	P	P	P	
Health Care	S	S	S	S	S	S	P	P	P	P	
Maintenance Facilities	S	S					P		P	P	
Park and Rec	P	P	P	P	P	P	P	P	P	P	
Postal Facilities							P	P	P	P	
Primary Education	P	S	S	P	P	P	P	S		P	
Public Assembly							P	P	P	P	
Religious Assembly	P	P	P	S	S	S	P	P	P	P	
Safety Services	P	P	P	P	P	P	P	P	P	P	
Secondary Educ	S	S	S	S	S	S	P	S		P	
Utilities	P	P	P	P	P	P	P	P	P	P	
Office Uses											
General Offices				S	S	S	P	P	P		

P=Uses Permitted by Right

S=Uses Permitted by Special Permit

Blank=Use Not Permitted



# ZONING DISTRICT REGULATIONS

Table 4-2: Permitted Uses by Zoning Districts

Use Types	AT	AG	R-1	R-2	R-3	R-4	HC	DC	I	P	Addl Reg
<b>Commercial Uses</b>											
Ag Sales/Service	P	S					P	S	P		
Auto Rental/Sales	S	S					P	S	P		605c
Auto Services	S	S					P	S	P		605a,b
Body Repair	S	S					P	P	P		605a
Equipment Rent/Sales	S	S					P	S	S		605c
Equipment Repair	S	S					P	S	P		605a
Veh. Storage (Short-term)	S	S					S	S	P		
Bed and Breakfast	S	S	S	S	P	S	P	P			605d
Business Support Services							P	P	P		
Business/Trade School	S	S					P	P	P	P	
Campground	S	S					S				605e
Cocktail Lounge							P	P	S		
Commercial Rec (Indoor)	S	S			S		P	P	P		
Commercial Rec (Outdoor)	S	S	S	S			P		P		
Communication Service	S	S					P	P	P		
Construction Sale/Service	S	S					P	S	P		
Consumer Service	S	S					P	P	P		
Convenience Storage	S	S					P	S	P		605f
Food Sales	S	S					P	P	P		
Funeral Service							P	P	P		
General Retail Services							P	P	P		
Kennels	S	S					S				
Laundry Services							P	P	P		
Liquor Sales	S						P	P	S		
Lodging	S	S					P	P	P	S	
Personal Improvement	S	S	S	S	S		P	P	P	S	
Personal Services	S	S	S	S	S		P	P	P		
Pet Services	S	S					P	P	P		
Research Services	S	S					P	P	S		
Restaurants (Drive-in)	S	S					P	S	P		605g
Restaurants (General)	S	S					P	P	S		605g
Restricted Business									S		
Stables		P									
Surplus Sales							P	P	P		
Trade Services	S	S	S	S	S		P	P	P		
Veterinary Services	P	S					S	S	S		
Gaming Facility							S	S	S		
<b>Parking Uses</b>											
Off-Street Parking	S	S					P	P	P		Article 9
<b>Industrial Uses</b>											608
Agricultural Industry	S								S		
Custom Manufacturing	S	S					S	S	P		
Light Industry	S	S					S	S	P		
General Industry									S		
Heavy Industry									S		
Resource Extraction	S								S		606a

P=Uses Permitted by Right

S=Uses Permitted by Special Permit

Blank=Use Not Permitted



# ZONING DISTRICT REGULATIONS

**Table 4-2: Permitted Uses by Zoning Districts**

Use Types	AT	AG	R-1	R-2	R-3	R-4	HC	DC	I	P	Addl Reg 606b
Salvage Services									S		
Veh. Storage (Long- term)									P		
Warehousing (Enclosed)	S	S					S	S	P		
Warehousing (Open)	S								S		
Construction Yards	S	S					S	S	S		
Recycling Collection	S						S	S	P	P	
Recycling Processing	S	S							P		
<b>Transportation Uses</b>											
Aviation	S						S				
Railroad Facilities	S	S							P		
Truck Terminal									S		
Transportation Terminal	S						P	P	P		
<b>Miscellaneous Uses</b>											
Broadcasting Tower	S	S	S	S	S	S	S		S		
Amateur Radio Tower	P	P	S	S	S	P	P	P	P		
Construction Batch Plant	S	S							S		
WECS	P	P	S	S	S	S	S		S		
Landfill (Non-Putrescible)	S	S									
Landfill (Putrescible)		S							S		
Alternative Energy Production Devices	P	P	S	S	S	S	S		P		
<b>Note: Provisions of Sections 608 through 613 apply to all these types</b>											

P=Uses Permitted by Right

S=Uses Permitted by Special Permit

Blank=Use Not Permitted

## ZONING DISTRICT REGULATIONS

**Table 4-3: Summary of Site Development Regulations**

Regulator	TA	AG	R-1	R-2	R-3*	R-4*	HC*	DC*	I*
<b>Minimum Lot Area (square feet)</b>	(Note 1)	435,600 sq. ft. (10 Acres)	(Note 1)	6,000	5,000	87,120 sq. ft. (2 Acres)	5,000	None	5,000
<b>Minimum Lot Width (feet)</b>	100	300	70	50	50	100	50	NA	50
<b>Site Area per Housing Unit (square feet) by type of residential</b>									
Single-Family	NA	NA	7,000	6,000	5,000	4,000	7,000	7,000	NA
Two-family, duplex	NA	NA	6,000	5,000	4,000	4,000	3,850	3,850	
Other	NA	NA	5,000	3,000	2,500	2,000	2,000	2,000	
<b>Minimum Yards (feet) (principle structure)</b>									
Front Yard (Notes 2, 3)	50	75	30	25	25	35	45	0	25
Street Side Yard	50	125	15	10	10	14	45	0	15
Interior Side Yard (note 5)	50	100	10	5	5	5	5	0	10
Rear Yard (note 5)	25	50	(Note 6)	(Note 6)	(Note 4) 25	(Note 4) 35	10	0	15
<b>Maximum Height (feet)</b>	(Note 7)	NA	35	35	35	35	55	No Limit	75
<b>Maximum Impervious Coverage</b>	NA	NA	60%	70%	75%	60%	75%	100%	90%
<b>Maximum Building Coverage</b>							60%	100%	70%

\* Uses in the R-3, R-4, C-1, C-2 and I Districts are subject to bufferyard requirements contained in Article 8

**Notes Accompanying This Table Appear on Page 4-8**

**Notes to Preceding Pages: Table 4-3**

**Note 1:**

7,000 square feet for single-family residential connected to common water and sewer systems; 130,680 square feet (3 acres) for single-family residential not so connected and for all other uses. Lots not connected to common water and sewer systems are also subject to review of Pierce County Sanitarian and larger size may be required to accommodate required leach field based on soil types.

**Note 2:**

Front yard setbacks may vary if designated with special designator. This designator will be indicated on the official zoning map by the required minimum setback in parentheses following the zoning district symbol. For example, an R-1(40) district requires a 40-foot front yard setback.

**Note 3:**

On streets designated as part of the Plainview's TEA-21-eligible System, front yard setbacks shall be 50 feet from the right-of-way line of a county road or highway; or 100 feet from the right-of-way line of a US or State-designated highway, unless permission for a lesser setback is obtained from the County Surveyor or the Nebraska Department of Roads.

**Note 4:**

See Section 603 for supplemental regulations regarding modifications of lot width for townhouse residential use type.

**Note 5: (for residential only)**

The side and rear yard setback shall be 5 feet for any unattached accessory buildings less than 15 feet in height, and an additional 1 foot setback for each additional 2 feet in height.

**Note 6:**

The rear yard setback shall be 30 feet or 20 percent of the depth of the lot, whichever is smaller.

**Note 7:**

When the building or structure is within 150 feet of a residential zoning district, said building or structure shall not exceed 35 feet in height. When the building or structure is more than 150 feet from a residential zoning district, said building or structure shall not exceed 80 feet in height. Public and semi-public buildings, public service and institutional buildings, hospitals, schools, churches and similar places of worship are permitted 2 feet of additional height for each one foot of additional front yard setback beyond the minimum required yard.

# 5

## ARTICLE FIVE

### **SPECIAL AND OVERLAY DISTRICTS**

#### **501 General Purpose**

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

The Overlay Districts are designed to achieve the following objectives:

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

### **HD HISTORIC DISTRICT**

#### **520 Purpose**

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

#### **521 Procedure for Adoption**

##### **a. Proposal**

The creation of an HD Historic Overlay District may be initiated by the Planning Commission; the City Council; or by petition of the owner or owners of 51% of the property area within the proposed district.

##### **b. Requirements for Application**

An application for the creation of an HD Overlay District must include:

1. A statement describing the proposed district's special historical or architectural characteristics and stating the reasons for proposal of the district
2. A map indicating the boundaries of the proposed HD Overlay District, specifying the base district(s) included within these boundaries.
3. An inventory of the buildings or historically important sites located within the boundaries of the proposed district.
4. Supplemental site development regulations, design criteria, and performance standards that apply to the proposed district.



**522 Adoption of District**

- a. The Planning Commission and City Council shall review and evaluate each HD Overlay District application.
- b. The Planning Commission, after proper notice, shall hold a public hearing and act upon each application.
- c. The Planning Commission may recommend amendments to HD district applications.
- d. The recommendation of the Planning Commission shall be transmitted to the City Council for final action.
- e. The City Council, after proper notice, shall hold a public hearing and act upon any Ordinance establishing an HD Historic Overlay District.
- f. The Ordinance adopting the HD District shall include a statement of purpose, a description of district boundaries, and a list of supplemental site development regulations and performance standards.
- g. An Ordinance adopting an HD Overlay District shall require a favorable vote of a simple majority of the City Council for approval.
- h. Upon approval by the City Council, each HD Overlay District shall be shown on the Zoning Map, identified sequentially by order of enactment and referenced to the enacting Ordinance.
- i. Any protest against an HD Overlay District shall be made and filed as provided by Section 14-405, Revised Statutes of Nebraska, 1943, and amendments thereto.

**523 Building Permits**

Building or other development permits issued by the City in an HD District shall follow procedures for review and approval established within the City's Historic Preservation Ordinance, should such an ordinance be adopted by the City of Plainview.

**524-  
529 Reserved**

**P PUBLIC USE OVERLAY DISTRICT**

**530 Purpose**

The P Public Use District is designed to accommodate major public or civic facilities in the city. The district can be used in combination with one or more base districts. The district recognizes that development regulations that adapt to private development may not be appropriate for major public uses, including campus developments.

**531 Permitted Uses**

Uses permitted in a P Public Use Overlay District are those permitted in the underlying base district.

**532 Site Development Regulations**

Site Development Regulations may be developed individually for each Public Use District, but must comply with the following minimum or maximum standards established for the base district:

Maximum Building Coverage  
Maximum Impervious Coverage

**533 Procedure for Adoption**

a. Proposal

The creation of a P Public Use Overlay District may be initiated by the Planning and Zoning Commission or the City Council.

b. Requirements for Application

An application for the creation of a P Public Use Overlay District must include:

1. A map indicating the boundaries of the proposed P Overlay District, specifying the base district(s) included within these boundaries.

**534 Adoption of District**

a. The Planning and Zoning Commission and City Council shall review and evaluate each P Overlay District application.

b. The Planning and Zoning Commission, after proper notice, shall hold a public hearing and act upon each application.

c. The Planning and Zoning Commission may recommend amendments to P district applications.

d. The recommendation of the Planning and Zoning Commission shall be transmitted to the City Council for final action.

e. The City Council, after proper notice, shall hold a public hearing and act upon any Ordinance establishing a P Overlay District.

f. The Ordinance adopting the P Public Use Overlay District shall include a statement of purpose, a description of district boundaries, and a list of supplemental site development regulations and performance standards.

g. An Ordinance adopting a P Public Use Overlay District shall require a favorable vote of a simple majority of the City Council for approval.

h. Upon approval by the City Council, each P Public Use Overlay District shall be shown on the Zoning Map, identified sequentially by order of enactment and referenced to the enacting Ordinance.

# 6

## ARTICLE SIX

### **SUPPLEMENTAL USE REGULATIONS**

#### **601 Purpose**

The Supplemental Use Regulations set forth additional standards for certain uses located within the various zoning districts. These regulations recognize that certain use types have characteristics that require additional controls in order to protect public health, safety, and welfare. These regulations complement the use regulations contained in Article Four of this Ordinance.

#### **602 Supplemental Use Regulations: Agricultural Uses**

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

##### **a. Horticulture and Crop Production: Retail Sales**

Retail operation of garden centers or roadside stands associated with a primary agricultural use may be permitted in the A-1 and A-2 Districts, subject to the following requirements:

##### **1. Garden Centers**

(a) A garden center is a building or premises used for the retail sale of plant materials or items useful in the growing or display of lawns, gardens, and plants.

(b) Garden centers must conform to all site development regulations for the zoning district.

(c) Any garden center adjacent to a residential district must maintain a 20-foot landscaped bufferyard, consistent with the standards established in Section 804.

##### **2. Roadside Stands**

(a) A roadside stand is a facility used on a temporary or seasonal basis for the retail sale of produce grown largely on adjacent or surrounding agricultural lands.

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

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

##### **b. Type I Animal Production in the AG District**

1. Breeding and raising of small animals and fowl, such as birds, rabbits, chinchilla, and hamsters is permitted in the AG District, provided that any building housing such animals shall be at least 50 feet from any property line and 25 feet from any dwelling unit on the site.

2. Within the AG District, any lot of one acre and over may maintain one horse, llama, or other equine and/or hoofed animal and its immature offspring. Such a lot may have one additional animal for each additional two acres of lot area, up to a maximum total of three animals. No stable shall be located closer than 50 feet to any dwelling unit on the site.

## SUPPLEMENTAL USE REGULATIONS

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### c. Type II Animal Production

#### 1. Location

(a) Any new Type II Animal Production use established within one mile of the corporate limits of the City of Plainview shall be subject to approval of a Special Use Permit, as set forth in Section 1203.

(b) No confinement area for the feeding or holding of livestock or poultry shall be located within 500 feet of the property lines of the parcel on which it is located; or within 1,000 feet of an existing residential structure other than that of the owner or operator of the facility.

#### 2. Operation

(a) Livestock wastes within a confinement area shall be removed or disposed of by spraying or spreading on land promptly followed by disking or plowing; grinding or dehydrating in properly designed dehydrators; or stockpiling in a compost plant located at least one mile from a residential zoning district.

(b) Insect and rodent control measures must be instituted for confined areas by removal or disposal of manure; or by other accepted insect or rodent control measures.

#### 3. Drainage

(a) All ground surfaces within confinement areas shall be graded and compacted to insure proper drainage.

(b) All ground surfaces within confinement areas shall be controlled so that no appreciable amount of soil and livestock waste is carried into any roadway ditch, drainage area, or other low-lying area.

#### 4. Pollution Control

A confined area shall not produce a measurable increase in pollution in any public water-based recreational facility, public water supply, or in any waterway that is part of a public or private water supply.

### c. Type III Animal Production

#### 1. Location

(a) No new Type III Animal Production use shall be permitted within one mile of the corporate limits of the City of Plainview.

(b) Any new Type III Animal Production use otherwise proposed within the extra-territorial jurisdiction of the City of Plainview shall be subject to approval of a Special Use Permit, as set forth in Section 1203.

(c) No new Type III Animal Production use shall be located within 500 feet of the property lines of the parcel on which it is located; or within 1,000 feet of an existing residential structure other than that of the owner or operator of the facility.

#### 2. Operation

(a) Livestock wastes within a confinement area shall be removed or disposed of by spraying or spreading on land promptly followed by disking or plowing; grinding or dehydrating in properly designed dehydrators; or stockpiling in a compost plant located at least one mile from a residential zoning district.



## SUPPLEMENTAL USE REGULATIONS

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(b) Insect and rodent control measures must be instituted for confined areas by removal or disposal of manure; or by other accepted insect or rodent control measures.

### 3. Drainage

(a) All ground surfaces within confinement areas shall be graded and compacted to insure proper drainage.

(b) All ground surfaces within confinement areas shall be controlled so that no appreciable amount of soil and livestock waste is carried into any roadway ditch, drainage area, or other low-lying area.

(c) Water shall not be discharged or directed from a Type III animal production site onto adjacent properties, except in the event of a storm with a 4% probability of occurrence within a 24-hour period.

### 4. Pollution Control

A confined area shall not produce a measurable increase in pollution in any public water-based recreational facility, public water supply, or in any waterway that is part of a public or private water supply.

### 5. General Standards

(a) All aspects of the operation of a Type III Animal Production facility shall comply with the regulations and standards of the Nebraska Department of Environmental Quality or its successor agencies for feedlots.

(b) In addition to other requirements, all applications for Special Use Permits for the establishment of a Type III Animal Production use shall include: certifications of plan review and approval by the Nebraska Department of Environmental Quality or its successor agencies; a site plan showing the location and maximum area of the confinement area; and a detailed description of operations, including maximum number and type of livestock to be confined, livestock waste removal or disposal plans, drainage plans, and pollution control measures.

## 603 Supplemental Use Regulations: Residential Uses

### a. Single-Family Attached

When permitted, the minimum side yard opposite the common wall shall be equal to twice the normal required side yard.

### b. Townhouse Residential

Where permitted, townhouse residential is subject to the following regulations:

1. The site area per unit must be 6,000 square feet in the R-3 District and 2,000 square feet in all other districts where permitted.
2. The minimum width for any townhouse lot sold individually shall be 25 feet, except within an approved creative subdivision.
3. Coverage percentages are computed for the site of the entire townhouse common development.

### c. Two-Family Residential

## SUPPLEMENTAL USE REGULATIONS

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

d. Downtown and Group Residential in DC District

Downtown and Group Residential uses are permitted in the DC District on any level.

e. Mobile Home Parks in the R-4 District

In the R-4 Mobile Home Residential District, which permits mobile home residential use, such use may be configured in a Mobile Home Park or Mobile Home Subdivision. Following the effective date of this Ordinance, no mobile home shall be located outside of a Mobile Home Park or Mobile Home Subdivision. A Mobile Home Park is subject to approval of a Special Use Permit and compliance with the following regulations:

1. Certification

A certification of compliance with all ordinances and regulations regarding mobile home licensing, zoning, health, plumbing, electrical, building, fire protection and any other applicable requirements shall be required of all Mobile Home Parks.

2. Minimum and Maximum Area

A Mobile Home Park shall be considered to be one zoned lot. The contiguous area of a Mobile Home Park shall provide for a minimum of 10 mobile home spaces.

3. Density Requirements

These requirements allow for the provision of open space in addition to the individual mobile home spaces.

(a) The minimum gross site area per dwelling unit in a Mobile Home Park or Subdivision shall be 7,200 square feet.

(b) The minimum size of an individual mobile home space shall be 4,000 square feet for single-wide mobile home units and 6,000 square feet for double-wide mobile home units.

(c) Each mobile home space shall have a width of at least 40 feet wide and a length of at least 75 feet.

4. Site Development Standards

(a) Setbacks: Each Mobile Home Park shall have a minimum perimeter setback of 35 feet from all exterior lot or property lines. No space for a dwelling unit or any other structure shall be permitted in the required setback.

(b) Setback landscaping: All area contained within the required setbacks except sidewalks and private drives shall be landscaped. Screening shall be provided in conformance with Article 8 for any common property line with another residential use.

(c) Impervious Coverage: Impervious coverage for a Mobile Home Park shall not exceed 50 percent of the total site area.

(d) Open Space: Each Mobile Home Park shall provide a minimum of 400 square feet of open recreational space per unit. Such space shall be provided at a central location

## SUPPLEMENTAL USE REGULATIONS

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accessible from all parts of the park by pedestrians. Required perimeter setbacks or buffers shall not be credited toward the fulfillment of this requirement.

(e) Separation Between Mobile Home Units: The minimum separation between a mobile home unit and attached accessory structure and any other mobile home units and/or accessory structure shall be 25 feet.

(f) Separation and Setbacks for Accessory Buildings: An accessory building on a mobile home space maintains a minimum rear and side yard setback of five feet. A minimum distance of ten feet shall be provided between any mobile home and an unattached accessory building.

(g) Storm Shelter: Each mobile home park or subdivision must provide a storm shelter(s) with sufficient capacity for all residents of the mobile home park or subdivision.

### 5. Street Access and Circulation Requirements

(a) Access to Public Street: Each Mobile Home Park must abut and have access to a dedicated public street with a right-of-way of at least 60 feet. Direct access to a mobile home space from a public street is prohibited.

(b) Vehicular Circulation: The Mobile Home Park must provide interior vehicular circulation on a private internal street system. Minimum interior street width shall be 25 feet. The street system shall be continuous and connected with other internal and public streets; or shall have a cul-de-sac with a minimum diameter of 90 feet. No such cul-de-sacs may exceed 300 feet in length.

(c) Separation between Units and Circulation Areas: The minimum distance between a mobile home unit and any attached accessory structure and the pavement of an internal street or parking area shall be 20 feet.

(d) Sidewalks: Each Mobile Home Park shall provide a sidewalk system to connect each mobile home space to common buildings or community facilities constructed for the use of its residents; and to the fronting public right of way. Sidewalk width shall be at least four feet.

(e) Street and Sidewalk Standards: All internal streets and sidewalks shall be hard-surfaced. Electric street lighting is required along all internal streets.

(f) Parking Requirements: Each Mobile Home Park must provide at least two off-street parking stalls for each mobile home space.

### 6. Utilities

a) All Mobile Home Parks shall provide individual units and common facilities with an adequate, piped supply of hot and cold water for both drinking and domestic purposes; and standard electrical service, providing at least one 120-volt and one 240-volt electrical service outlet to each mobile home space.

(b) Complete sanitary and sewer service shall be provided within each Mobile Home Park in accordance with the Subdivision Chapter of the Land Development Ordinance.

(c) Properly spaced and operating fire hydrants shall be provided for proper fire protection within each Mobile Home Park in accordance with the Subdivision Chapter of the Land Development Ordinance.

(d) All electric, telephone, gas, and other utility lines shall be installed underground.

## SUPPLEMENTAL USE REGULATIONS

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7. Financial Responsibility: Each application for a Mobile Home Park shall include a demonstration by the developer of financial capability to complete the project; and a construction schedule.

8. Completion Schedule: Construction must begin on any approved Mobile Home Park within one year of the date of approval by the Planning and Zoning Commission. Such construction shall be completed within two years of approval, unless otherwise extended by the Commission.

9. All other uses and provisions of the Plainview Mobile Home Park regulations are incorporated herein by reference. These provisions include tie-down and other structural requirements included in the Plainview Municipal Codes.

f. Mobile Home Subdivisions in the R-4 District

1. Mobile Home Subdivisions shall be developed in accordance with all standards and requirements set forth in the Subdivision Regulations of the City of Plainview. Site development regulations shall be the same as those required in the R-4 Zoning District. Each mobile home shall be considered a single-family detached residential unit for the purpose of determining applicable development regulations.

2. Mobile home units within Mobile Home Subdivisions shall be built in accordance with the minimum design standards of the US Department of Housing and Urban Development and display a certification of such compliance.

### 604 Supplemental Use Regulations: Civic Uses

a. Clubs

Clubs located adjacent to residential uses shall maintain a bufferyard of not less than 25 feet along the common boundary with such residential use.

b. Day Care

Day care facilities are permitted by Special Use permit in the I Industrial District only if incidental to a permitted primary use.

c. Group Care Facilities and Group Homes

1. Each group care facility or group home must be validly licensed by either the State of Nebraska or the appropriate governmental subdivision.

d. Primary and Secondary Educational and Religious Assembly Facilities

1. Buildings and parking shall have a minimum setback of 25 feet from property lines.

2. Proposed facilities shall conform to all State and federal requirements.

### 605 Supplemental Use Regulations: Commercial Uses

a. Auto Repair, Equipment Repair, and Body Repair

1. Where permitted in commercial districts, all repair activities must take place within a completely enclosed building. Outdoor storage is permitted only where incidental to Auto Repair and Body Repair, provided that such storage is completely screened so as not to be visible from residential areas or public rights-of-ways. Screening is subject to provisions of Article 8 of this ordinance.

2. Any spray painting must take place within structures designed for that purpose and approved by the Building Inspector.



b. Auto Washing Facilities

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

c. Automobile and Equipment Rental and Sales

1. All outdoor display areas for rental and sales facilities shall be a paved, gravel, or hard rock surface.
2. Body repair services are permitted as an accessory use to automobile rental and sales facilities, provided that such repair services shall not exceed 25% of the gross floor area of the building.

d. Bed and Breakfasts

Bed and Breakfasts permitted in the C-2 District must provide any sleeping facility only on levels above street level except that units specifically designed and reserved for occupancy by handicapped people may be located on the street level.

e. Campgrounds

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

f. Convenience Storage

When permitted in the AG, HC, and I Districts, convenience storage facilities shall be subject to the following additional requirements:

1. Activities within the facility shall be limited to the rental of storage cubicles and the administration and maintenance of the facility.
2. All driveways within the facility shall provide a paved, gravel, or hard rock surface.
3. All storage must be within enclosed buildings and shall not include the storage of hazardous materials.

**606 Supplemental Use Regulations: Industrial Uses**

a. Resource Extraction

Resource extraction, where permitted, is subject to the following additional requirements:

1. Erosion Control: A resource extraction use may not increase the amount of storm run-off onto adjacent properties. Erosion control facilities, including retention and sediment basins, are required of each facility, if necessary, to meet this standard.

2. Surface Drainage: The surface of the use may not result in the collection or ponding of water, unless specifically permitted by the City Council.
3. Storage of Topsoil: Topsoil shall be collected and stored for redistribution following the end of the operation.
4. Elimination of Hazards: Excavation shall not result in a hazard to any person or property. The following measures are required:
  - (a) Restoration of slopes to a gradient not exceeding 33% as soon as possible.
  - (b) Installation of perimeter safety screening.
  - (c) Installation of visual screening adjacent to any property within a residential or public use district.
5. Restoration of Landscape: The topography and soil of the resource extraction site shall be restored and stabilized within nine months of completion of the operation. The site shall be seeded, planted, and contoured in a way that prevents erosion. Alternately, the site may be used as a lake or body of water, subject to approval by the City Council with the recommendation of the City Council and the Natural Resources District.

b. Salvage Services

1. Screening:
  - (a) The perimeter of each new facility shall be fully enclosed by opaque, freestanding fencing or screen walls. Minimum height of this enclosure shall be eight feet. Any such enclosure shall be constructed behind required landscaped bufferyards.
  - (b) Each existing salvage services facility shall be screened from public right-of-way as provided above within one year of the effective date of this Ordinance.
2. Storage of materials within any salvage services facility may not be higher than the height of the surrounding screen fence or wall.
3. No Salvage Services use may be established within 500 feet of the nearest property line of a residential zoning district or of any pre-established civic use, or within 1,000 feet of the nearest property line of an AT, R-1, R-2, R-3, or R-4 District.

**607 Performance Standards for Industrial Uses**

a. Industrial Uses in the I District: Performance Standards

The following performance standards apply to all industrial uses permitted within the I Industrial zoning district:

1. Physical Appearance: All operations shall be carried on within an enclosed building except that new materials or equipment in operable condition may be stored outside. Normal daily inorganic wastes may be stored outside in containers, provided that such containers are not visible from the street.
2. Fire Hazard: All flammable substances involved in any activity established in the district shall be handled in conformance with the latest edition of the Fire Prevention Code published by the American Insurance Association, and other appropriate federal, state, and city statutes.
3. Maximum Permitted Sound Levels Adjacent to Residential Zoning Districts: No operation in the I district shall generate sound levels in excess of those specified in Table 6-1 at the boundary of a

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residential district. All noises shall be muffled so as not to be objectionable because of intermittence, beat frequency, or shrillness.

4. Sewage and Wastes: No operation shall discharge into a sewer, drainage way, or the ground any material which is radioactive, poisonous, detrimental to normal sewer plant operation, or corrosive to sewer pipes and installations.

5. Air Contaminants: No material may be discharged into the air from any source in such quantity as to cause injury, detriment, nuisance, or annoyance to any considerable number of people or to the public in general; or to endanger the health, comfort, or safety of any considerable number of people or to the public in general; or to damage other businesses, vegetation, or property.

6. Odor: The emission of odors shall be controlled so as to minimize the escape of odors within the limits of technology or economic feasibility.

7. Gases: No release of noxious or poisonous gases shall be permitted except as provided in this section. Measurements of sulfur dioxide, hydrogen sulfide, or carbon monoxide shall not exceed 5 parts per million taken at the property line of the operation.

8. Vibration: All machines shall be mounted to minimize vibration. No measurable vibration shall occur at the property line of the operation which exceeds a displacement of 0.003 inch.

9. Glare and Heat: All glare generated by a use shall be shielded or directed so as not to be visible at the property line of the operation. No heat may be generated from an operation that raises the air temperature at the property line of the operation by more than five degrees Fahrenheit above the ambient air temperature.

10. Storage of Chemical Products: If allowed by Special User Permit, any above or below ground storage of liquid petroleum products or chemicals of a flammable or noxious nature shall not exceed 150,000 gallons when stored on one lot less than one acre. Such storage shall not exceed 25,000 gallons in any one tank. Storage of liquid petroleum products or chemicals of a flammable or noxious nature in excess of 25,000 gallons shall be located at least 150 feet from any structure intended for human habitation and at least 500 feet from any Residential, Office, or Commercial zoning district.

### 608 Maximum Permitted Sound Levels Adjacent to Residential Zoning Districts

Table 6-1 displays the maximum permitted sound levels that may be generated by uses in the C-1, C-2, or I zoning districts where adjacent to residential zoning districts. All measurements shall be taken at or within the boundary between the originating district and the adjacent residential zoning district with a sound level meter meeting ANSI specifications for a Type II or better general purpose sound level meter. The A-weighted response shall be used.

**Table 6-1: Maximum Permitted Sound Levels at Residential Boundaries**

<u>Originating Zoning District</u>	<u>Time</u>	<u>Maximum One Hour Leq*</u> <u>(dbA)</u>
HC, DC	7:00 a.m. - 10:00 p.m.	60
	10:00 p.m. - 7:00 a.m.	55
I	7:00 a.m. - 10:00 p.m.	65
	10:00 p.m. - 7:00 a.m.	55

\* Leq is the constant sound level that, in a given situation and time period, conveys the same sound energy as the actual time-varying A-weighted sound. It is the average sound level and accurately portrays the sound the human ear actually hears.

**609 Supplemental Use Regulations: Miscellaneous Uses**

a. Landfills

1. Compliance with Codes: Each landfill must comply with all relevant city, county, State, or Federal codes and statutes.
2. Prevention of Hazards: No facility shall present a hazard to surrounding residents or properties.
3. Drainage and Water Supply: No landfill may modify or prevent the flow of major natural drainage ways within the jurisdiction of the City of Plainview. Landfills shall not produce a measurable increase in pollution in any public water-based recreational facility or in any waterway or well that is a part of a public or private water supply.
4. Minimum Separation from Residential Uses: No non-putrescible landfill may be established within 300 feet of a developed residential or public use. No landfill involving the disposal of putrescible or septic wastes shall be established within one-fourth mile of any residential, public, or commercial zoning district; or any State or Federal Highway.
5. Restoration of Site: The site of any landfill must be restored, stabilized, planted, and seeded within six months after the end of the operation. Dissipation of waste products must be accomplished in a manner approved by the State of Nebraska's Department of Environmental Control.
6. Toxic Waste: The disposal of hazardous, toxic, or radioactive wastes as defined by the Federal Environmental Protection Agency shall be prohibited within the City of Plainview and its extra-territorial jurisdiction.

**610 Supplemental Use Regulations: Infrastructure Improvements**

a. Irrigation Wells

New irrigation wells shall be set back at least 30 feet from the right-of-way of any established road. At any intersection of county, state, or federal roads and highways, such wells must be located at least 70 feet from the nearest intersection of the established rights-of-way.

b. Water Retention, Detention, or Reuse Basins

New water retention, detention, or reuse basins shall be set back at least 30 feet from the right-of-way of any established road. At any intersection of county, state, or federal roads and highways, such wells must be located at least 70 feet from the nearest intersection of the established rights-of-way.

c. Windbreaks

New windbreaks consisting of planted trees and shrubs shall be set back at least 30 feet from the right-of-way of any established road. At any intersection of county, state, or federal roads and highways, such windbreaks must be located at least 70 feet from the nearest intersection of the established rights-of-way.

d. Wastewater Treatment Facilities

No residential structure shall be located within 1,320 feet of a wastewater lagoon or an area where wastewater is applied to land. No residential structure shall be located within 600 feet of a mechanical wastewater treatment plant.



**612 Supplemental Use Regulations: Accessory Uses**

a. Home-Based Businesses/ Home Occupations

Home-based businesses and home occupations are permitted as an accessory use in residential units subject to the following conditions:

1. External Effects:

(a) There shall be no change in the exterior appearance of the building or premises housing the home occupation other than signage permitted within this section.

(b) No noise, odors, bright lights, electronic interference, storage or other external effects attributable to the home occupation shall be noticeable from any adjacent property or public right of way.

(c) The home occupation shall be carried on entirely within the principal residential structure and/or within a detached accessory building approved by the City in accordance with these zoning regulations. All "External Effects" criteria in items a. 1. (a), (b), (d), (e) and (f) of this subsection are applicable for the detached accessory building.

(d) Mechanical or electrical equipment supporting the home occupation shall be limited to that which is self-contained within the structure and normally used for office, domestic or household purposes.

(e) No outdoor storage of materials or equipment used in the home occupation shall be permitted, other than motor vehicles used by the owner to conduct the occupation. Parking or storage of heavy commercial vehicles to conduct the home occupation is prohibited.

(f) No home occupation shall discharge into any sewer, drainageway, or the ground any material which is radioactive, poisonous, detrimental to normal sewer plant operation, or corrosive to sewer pipes and installations.

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

3. Extent of Use: For all residential and agricultural zoning districts, a maximum percent floor area of 45% of the dwelling may be devoted to the home occupation, inclusive of any detached accessory buildings used for the home occupation.

4. Signage: Signage designating the home occupation shall be limited to one non-illuminated and non-reflective nameplate no larger than six square feet in area and attached to the building in which the home-based business is conducted. If the principal structure is set back more than 50 feet from the front property line or is not visible from the fronting street, a non-illuminated ground sign not exceeding six square feet in area is permitted.

5. Traffic Generation: Deliveries or service by commercial vehicles or trucks over ten tons gross empty weight is prohibited for any home-based business located on a local street.

6. High Impact Home-Based Businesses/Home Occupations

(a) Beauty and Barber Shops: Barber and beauty shops are permitted as home based businesses in the A-1, R-1, R-2, R-3, and R-4 districts subject to approval of a Special Use Permit by the City Council as set forth in Section 1203.

(b) Welding, vehicle body repair, or rebuilding or dismantling of vehicles are not permitted as home-based businesses.

b. Permitted Accessory Uses: Residential Uses

Residential uses may include the following accessory uses, activities, and structures on the same lot.

1. Private garages and parking for the residential use.
2. Recreational activities and uses by residents.
3. Home occupations, subject to Section 612(a) of these regulations.
4. Residential convenience services for multi-family uses or mobile home parks.
5. Garage sales.
6. Caretaker's residences.

c. Permitted Accessory Uses: Civic Use Types

Guidance Services and Health Care use types are permitted in the I Industrial District only as accessory uses to a primary industrial use.

d. Permitted Accessory Uses: Other Use Types

Other use types may include the following accessory uses, activities, and structures on the same lot:

1. Parking for the principal use.
2. Manufacturing or fabrication of products made for sale in a principal commercial use, provided such manufacturing is totally contained within the structure housing the principal use.
3. Services operated for the sole benefit of employees of the principal use.

e. Permitted Accessory Uses: Agricultural Use Types

1. Garden centers and roadside stands, subject to the regulations set forth in Section 6-2(a)(2).
2. Other uses and activities necessarily and customarily associated with the purpose and functions of agricultural uses.

**613 Supplemental Use Regulations: Outdoor Storage outside of the I Zoning District**

Outdoor storage is prohibited in all zoning districts except the I Industrial zoning district, except as provided in this section.

a. Agricultural Use Types

Outdoor storage is permitted only where incidental to agricultural uses.

b. Civic Use Types

Outdoor storage is permitted only where incidental to Maintenance Facilities.

c. Commercial Use Types

1. Outdoor storage is permitted where incidental to Agricultural Sales and Service; Auto Rentals and Sales; Construction Sales; Equipment Sales and Service; Stables and Kennels; and Surplus Sales.

2. Outdoor storage is permitted where incidental to Auto Services, Equipment Repair, and Body Repair, provided that such storage is completely screened at property lines by an opaque barrier, as set forth in Section 805. This provision shall apply to any Auto Services, Equipment Repair, or Body Repair use established after the effective date of this Ordinance.

d. Industrial and Miscellaneous Use Types

1. Industrial uses within the C-2 Downtown District zoning district may not include outdoor storage.

2. Outdoor storage is permitted where it is incidental to Industrial uses outside of the C-2 Downtown District; General Industry; Heavy Industry; Resource Extraction; Salvage Services; Warehousing; and Construction Yards. Any such outdoor storage is subject to screening requirements set forth in Article Eight.

3. Outdoor storage is permitted where incidental to landfills.

**614 Supplemental Use Regulations: Temporary Uses**

a. Purpose

These provisions are intended to permit occasional, temporary uses and activities, when consistent with the objectives of the Zoning Ordinance and compatible with surrounding uses. They are further intended to prevent temporary uses from assuming the character of permanent uses.

b. Temporary Use Taxes

The following temporary uses are permitted, subject to the regulations contained within these sections:

1. Model homes or apartments, if contained within the development to which they pertain.
2. Development sales offices. Such offices may remain in place until 90% of the lots or units within the development are sold and may not be located within a mobile home or manufactured home/structure.
3. Public assemblies, displays, and exhibits.
4. Commercial circuses, carnivals, fairs, festivals, or other transient events.
5. Outdoor art shows and exhibits.
6. Christmas tree or other holiday-related merchandise sales lots, provided that such facilities are not located in a residential zoning district.
7. Construction site offices, if located on the construction site itself.
8. Outdoor special sales, provided that such sales operate no more than three days in the same week and five days in the same month; and are located in commercial or industrial zoning districts.
9. Construction Batch Plants, provided that:
  - (a) No plant may be located within 600 feet of a developed residential use, park, or school.
  - (b) The facility is located no more than one mile from its job site. The Zoning Administrator may extend this distance to two miles, if such extension avoids use of local streets by plant-related vehicles.

(c) Hours of operation do not exceed 12 hours per day.

(d) The duration of the plant's operation does not exceed 180 days.

10. Additional temporary uses that the Zoning Administrator determines to be similar to the previously described uses in this section.

c. Required Conditions of All Temporary Uses

1. Each site shall be left free of debris, litter, or other evidence of the use upon its completion or removal.

2. The Zoning Administrator may establish other conditions which he/she deems necessary to ensure compatibility with surrounding land uses.

d. Permit Application and Issuance

1. An application to conduct a temporary use shall be made to the Zoning Administrator and shall include at a minimum a description of the proposed use; a diagram of its location; information regarding hours and duration of operation; and other information necessary to evaluate the application.

2. The Zoning Administrator may authorize a temporary use only if he/she determines that:

(a) The use will not impair the normal operation of a present or future permanent use on the site.

(b) The use will be compatible with surrounding uses and will not adversely affect the public health, safety, and welfare.

3. The duration of the permit shall be explicitly stated on the permit.

4. Decisions of the Zoning Administrator may be appealed to the Board of Adjustment.

**615 Supplemental Use Regulations: Inoperable or Unlicensed Motor Vehicle Storage**

a. Restrictions

1. It is the intent of this ordinance to prevent the repair, remodel, assembly, disassembly, storage, or standing of any inoperable vehicle other than in an enclosed garage other than in a district permitting and regulating such occurrence.

2. A motor vehicle shall be determined as inoperable when it does not have a current state license plate or when it has a current state license plate, but is disassembled or wrecked in part or whole and is unable to move under its own power.

3. Inoperable vehicles may be stored or may stand only in a legally conforming auto wrecking yard or in a fully enclosed storage structure as permitted by these regulations.

**616 Supplemental Use Regulations: Unsewered Areas**

a. Purpose

1. It shall be unlawful to occupy a residential structure or any building for living purposes that does not have an approved waste disposal system

2. No waste absorption field (septic tank, cess pools, etc.) shall be constructed any closer than 25 feet from any adjacent property line.



## SUPPLEMENTAL USE REGULATIONS

3. There shall be no waste absorption field located closer than 50 feet from any other residential structure.
4. There shall be no waste absorption field located closer than 50 feet from a water well provided; however, where geology and subsurface conditions and topography would indicate that seepage could reach the well supply, a greater distance may be required.
5. An individual residential waste absorption field shall contain a minimum of 10,000 square feet, exclusive of the area required by the structure and in accordance with local building and health codes.
6. Private sewerage lagoons shall be located no closer than 200 feet of the house it serves and not less than 500 feet from any other house or residential district boundary.

b. Area Requirements

Table 6-2 illustrates the minimum lot size based on the presence of public water and sanitary sewer.

**Table 6-2: Area requirements**

	Water		Sewers		Area Required
	Public	Private	Public	Private	
Condition #1	Yes	---	Yes	---	See District Regulations
Condition #2	Yes	---	---	Yes	65,340 sq. ft. (1.5 Acres)
Condition #3	---	Yes	Yes	---	21,780 sq. ft. (0.5 Acres)
Condition #4	---	Yes	---	Yes	108,900 sq. ft. (2.5 Acres)

# 7

## ARTICLE SEVEN

### SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

#### 701 Purpose

The Supplemental Site Development Regulations recognize the existence of special conditions that cannot comply literally with the site development regulations set out for each zoning district. Therefore, these regulations qualify or modify the district regulations of this title and provide for specific areas of exception.

#### 702 Setback Adjustments

##### a. Lots Adjoining Alleys

In calculating the depth of a required side or rear yard setback for a lot adjoining a dedicated public alley, one-half of the alley width may be credited as a portion of the yard. However, no residential structure may be nearer than three feet to the near side of the alley.

##### b. Exceptions to Openness of Required Yards

Every part of a required yard shall be open and unobstructed from finished grade upward, except as specified herein.

1. Architectural projections, including roofs that cover porches, enclosed porches, window sills, belt courses, cornices, eaves, flues and chimneys, and ornamental features may project three feet into a required yard.
2. Terraces, patios, uncovered decks, and ornamental features that have no structural element more than two feet above or below the adjacent ground level may project ten feet into a required yard. However, all such projections must be set back at least three feet from an adjacent side lot line; or twenty feet from any street property line.
3. Fire escapes, fireproof outside stairways, and balconies opening to fire towers may project a maximum of 3 feet into required yards, provided that they do not obstruct the light and ventilation of adjacent buildings.
4. For buildings constructed upon a front property line, a cornice may project into public right-of-way. Maximum projection is the smaller of four feet or five percent of the right-of-way width.
5. In commercial districts, a canopy may extend into a required front yard, provided that the canopy is set back at least five feet from the front property line, covers less than fifteen percent of the area of the required front yard, and has a vertical clearance of at least eight feet six inches.
6. Accessory buildings are subject to all site development regulations of its zoning district, except as provided below:
  - (a) Side Yards: An accessory building may be located a minimum of 5 feet from the side lot line of the property if it is located between the rear building line of the principal building and the rear property line.
  - (b) Front Yards: No accessory building may be located between the front building line of the principal building and the front property line.

(c) Rear Yard: The minimum rear yard setback for accessory buildings shall be 8 feet. This minimum rear yard setback shall be increased to 15 feet if the accessory building requires vehicular access from an alley. Double-frontage lots shall require front-yard setbacks along both street frontages as set forth in Table 4-3. Easements may be incorporated into these required setbacks. No accessory building shall be located within any easement or right-of-way along the rear property line.

(d) Height: In residential districts, the maximum height shall be 25 feet for a detached garage and 20 feet for any other accessory building. Maximum height for a detached garage and/or other accessory building in an A-1 District shall be 30 feet.

(e) Separation from Other Buildings: No accessory building shall be placed within ten feet of any other building on its own property or any adjacent properties.

(f) Attached Accessory Buildings: Any accessory building physically attached to the principal building shall be considered part of the principal building and subject to the development regulations of its zoning district.

(g) Hazards: Any accessory use which creates a potential fire hazard shall be located a minimum of 10 feet from any residential structure. Such uses include but are not limited to detached fireplaces, barbecue ovens, or storage of flammable materials.

(h). Special Use Permit required for detached garage or accessory building to be constructed prior to construction of the principal building.

7. Lamp posts with a maximum height of ten (10) feet, and flag poles up to maximum height of base district may be located within required yards, provided they are set back at least five (5) feet from property lines.

c. Setback Adjustments

1. Setbacks on Built-Up Blockfaces

These provisions apply if 51% or more of the buildings on that blockface have front yard setbacks different from those required for the specific district.

(a) If a building is to be built on a parcel of land within 100 feet of existing buildings on both sides, the minimum front yard shall be the mean setbacks of the adjacent buildings.

(b) If a building is to be built on a parcel of land within 100 feet of an existing building on one side only, the minimum front yard shall be the setback of the adjacent building.

(c) If a building is to be built on a parcel of land not within 100 feet of an existing building on either side, then the minimum front yard shall be the mean setback of all existing buildings on the blockface.

(d) No setback adjustment pursuant to this section shall create a required front yard setback more than five feet greater than that otherwise required by the applicable zoning district.

2. Corner Lots

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

d. Rear Yard Exceptions - Residential Uses

When an irregular lot is used for residential purposes, the rear yard may be measured as the average horizontal distance between the building and rear lot line, provided that the minimum setback shall not be less than sixty percent (60%) of the rear yard required by the zoning district.

e. Double Frontage Lots

Residentially zoned double frontage lots on a collector or arterial street, as designated in the city's Comprehensive Development Plan, and with no access to that street may have a 20-foot minimum front yard setback along said street. All other double frontage lots must provide full front yard setbacks from each adjacent street.

f. Antennas

1. Antennas with a surface area over 6.3 square feet and which are accessory to a primary use and are designed to receive and transmit electromagnetic signals, or to receive signals from satellites, shall not be located within any front yard of the primary use.
2. Such antennas shall be located no less than fifteen feet from the property line of an adjacent property within a residential zoning district.

g. Vision Clearance Zones

No structure, including a fence, shall be built to a height of more than three feet above the established curb grade on the part of the lot bounded by the street lines of the streets which intersect and a line connecting a point on each of such lines forty feet from their point of intersection. No landscaping shall be planted in such area which will materially obstruct the view of drivers approaching the street intersection.

**703 Height Exceptions**

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

a. Vertical Projections

Chimneys, cooling towers, building mechanical equipment, elevator bulkheads, fire towers, grain elevators, non-parabolic receiving antennas, tanks, solariums, steeples, penthouses not exceeding 25 percent of total roof area, flag poles, stage towers or scenery lofts, and water towers may be built to any height in accordance with existing and future ordinances.

b. Amateur Radio Towers and Federal Communication Commission Pronouncements

1. Radio towers, antennas and other appurtenances operated by licensed amateur radio operators, where permitted and when, may not exceed 75 feet in height. This height has been determined by the City to reasonably accommodate amateur service communications, and further represents the minimum practicable regulation to accomplish legitimate municipal land use regulation purpose, as recognized under published guidelines of the Federal Communications Commission.
2. Special instances may require that amateur radio tower heights exceed 75 feet to achieve effective and reliable communications. In such cases, the City Council may grant a Special Use Permit to a licensed amateur radio operator for a specific tower height that exceeds 75 feet. In determining whether to grant such permission, the City Council shall consider the federal guidelines contained in PRB-1 (Amateur Radio Preemption, 101 FCC 2d (1985); codified at C.F.R. Section 97.15(e).
3. Such radio towers shall not be located within any front yard of the primary use.



c. Broadcast Towers

Broadcast towers, when operated by a federally-licensed commercial or non-profit organization, may be built to any height in accordance with existing and future ordinances. This exception does not apply to radio towers, antennas and other appurtenances operated by licensed amateur radio operators.

d. Civic Buildings

Buildings housing civic use types may be built to a maximum height of 60 feet. Such buildings located in residential districts shall be set back one foot in addition to required setbacks from each property line for each foot of height over the maximum height of the zoning district.

e. Wind Energy Conservation Systems (WECS)

1. The distance from all lot lines or any building or power line to any tower support base of a WECS shall be equal to the sum of the tower height and the diameter of the rotor. A reduction of this requirement may be granted as part of a Special Permit approval if the Planning Commission finds that the reduction is consistent with public health, safety, and welfare.

2. The distance between the tower support bases of any two WECS shall be the minimum of five rotor lengths, determined by the size of the largest rotor. A reduction of this requirement may be granted as part of a Special Permit approval if the Planning Commission finds that the reduction does not impede the operation of either WECS.

3. The WECS operation shall not interfere with radio, television, computer, or other electronic operations on adjacent properties.

4. A fence six feet high with a locking gate shall be placed around any WECS tower base; or the tower climbing apparatus shall begin no lower than twelve feet above ground.

5. The WECS is exempt from the height restrictions of the base district.

f. Special Permit Uses

The City Council with the recommendation of the Planning Commission may grant an exception from the height limit for a zoning district for a special permit use, as part of its approval of that use. The limit or extent of this exception shall be a specific part of the special use permit.

g. Federal Aviation Administration Rules

No structure may be built in any zoning district which exceeds the maximum height permitted under the rules of the Federal Aviation Administration. These rules describe the glide angles and operational patterns for any airport within the planning jurisdiction of the City of Plainview.

## **705 Fence Regulations**

a. Location Restriction

Unless otherwise provided by this title or other sections of the Plainview Municipal Code, no fence shall be built on any lot or tract outside the surveyed lot lines, or tract outside the surveyed lot lines, or adjacent to any Municipal property, excluding public streets.

b. Required Openings

Unless otherwise provided by this title or other sections of the Plainview Municipal Code, any fence built on residential property within required front or street side yards shall contain openings constituting no less than 50 percent of the surface area of the fence.

c. Sight Obstruction

No solid fence permitted or required by this title or other sections of the Plainview Municipal Code shall be built within a triangle formed by the adjacent side lines of two intersecting streets and a line connecting points 40 feet on each leg from their point of intersection; or otherwise in any manner create a traffic hazard or obstruction to visibility.

d. Facing

The finished surfaces of any fence shall face toward adjacent properties and street frontage.

e. Residential Fences

Fences constructed within residential districts or on land used for residential purposes are subject to the following provisions.

1. Height: The maximum height of a fence within a required front yard or street side yard setback shall be 42 inches. The maximum height for any fence outside of a required front yard shall be seven feet.
2. Exception for Street Side Yards: On corner lots, a fence built parallel to the street side yard line but set back in conformance with the required street yard setback may have a maximum height of six feet.
3. Exception to Openness Requirement: Fences built on residential property outside of required front or street side yards may exceed of 50 percent closed construction.
4. Exception for Front Yards of Double Frontage Lots: A fence built within the required front yard of a double frontage lot may be a maximum of six feet in height and may exceed 50 percent closed construction if such lot fronts a major street, as defined in the Comprehensive Development Plan of the City of Plainview; and if such frontage does not provide primary access to the property.
5. Materials: Fences shall be constructed of wood, chain-link, PVC/ resin, stone or masonry materials only. Wood fences shall utilize standard building lumber only.
6. Residential Swimming Pools: A closed or privacy fence with a height of at least six feet with a locking gate shall be required as a perimeter fence around a below ground open residential swimming pool, or a permanent, above-ground swimming pool.

f. Other Fences

Fences constructed in commercial and industrial districts are subject to the following special provisions:

1. The maximum height of a fence for any permitted use in any non-residential zoning district shall be eight feet.
2. Civic Uses in Residential Districts: The maximum height of fences installed as part of Primary and Secondary Educational Facilities or Park and Recreation Use Types within Residential Zoning Districts shall be eight feet.

3. The Board of Adjustment may approve greater fence heights on a case-by-case basis if it concludes that such permission furthers the health, safety, and welfare of the residents of the City of Plainview.

4. Barbed wire may be used in the construction of perimeter security fencing in an industrial district or for municipal facilities provided that the bottom strand of the barbed wire shall be at least six feet above ground level. Barbed wire may be used for agricultural purposes in an A-1 or A-2 District. Electrified fences are only permitted in the A-1 and A-2 Districts, and only for agricultural purposes.

g. Existing Fences

( Any existing fence lawfully built before the effective date of this Ordinance may remain in place without change. Any replacement or change of such fence shall meet the requirements of this section.

**706 Appeals**

Denial, revocations, or cancellations of a building permit based on the provisions of this Section may be appealed to the Board of Adjustment, as set forth in Sections 1208 through 1210.

# 8

## ARTICLE EIGHT

### LANDSCAPING AND SCREENING STANDARDS

#### 801 Purpose

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

#### 802 Applicability

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

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

#### 805 Bufferyard Provisions

These provisions apply when a use is established in a more intensive zoning district (District A), which is adjacent to a less intensive zoning district (District B). The owner, developer, or operator of the use within District A shall install and maintain a landscaped bufferyard on his/her lot or site, as set forth in this section. Bufferyard requirements apply only to those districts indicated in Table 8-1. Bufferyards are not required of single-family, 2-family, duplex, or townhouse use types in the more intensive zoning district.

- a. The bufferyard dimensions set forth in Table 8-1 apply to zoning districts that share a common lot line or are adjacent but separated by an intervening alley.



## LANDSCAPING AND SCREENING STANDARDS

**Table 8-1: Bufferyard Requirements (in feet)**

District A - More Intensive District (Note 3)	District B - Less Intensive Adjacent District					
	A-1 (Note 1)	A-2 (Note 1)	R-1 (Note 1)	R-2 (Note 1)	R-3 (Note 1)	R-4 (Note 1)
A-1, A-2		(Note 2)	(Note 2)	(Note 2)	(Note 2)	(Note 2)
R-3, R-4	10	10	10 + 5 feet for each story over one	10 + 5 feet for each story over one	---	10
C-1	15	15	20	20	15	15
C-2	15	15	20	20	15	15
I	30	30	30	30	30	30

**Notes to Table 8-2:**

- Note 1:** Applies to residential and civic uses previously established in the zoning district.  
**Note 2:** May be subject to screening requirements only as set forth in Section 806.  
**Note 3:** Buffer requirements do not apply to single-family, duplex, or townhouse residential uses established in District A

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

### 806 Screening Standards

a. Application

Screening is required between adjacent zoning districts indicated in Table 8-2 when one or more of the following conditions in the more intensive zoning district is directly visible from and faces toward the boundary of the less intensive zoning district.

1. The rear elevation of buildings.
2. Outdoor storage areas or storage tanks, unless otherwise screened.
3. Loading docks, refuse collection points, and other service areas.
4. Major machinery or areas housing a manufacturing process.
5. Major on-site traffic circulation areas or truck and/or trailer parking.
6. Sources of glare, noise, or other environmental effects.
7. Any use in an A-1 or A-2 District involving a business, service, or process not completely enclosed in a structure that abuts or is located across a street or alley from a residential or civic use in an A-1, R-1, R-2, R-3, or R-4 District.

b. Opaque Barrier

A six foot opaque barrier shall be provided which visually screens the conditions listed in Section 806 (a) from less intensive uses as follows:

1. A solid wood and/or masonry fence or wall at least six feet in height.
2. A landscaping screen, using evergreen or deciduous materials, capable of providing a substantially opaque, hedge-like barrier and attaining a minimum height of six feet within three years of planting.
3. A landscaped earth berm with a maximum slope of three to one, rising no less than six feet above the existing grade of the lot line separating the zoning districts.
4. Any combination of these methods that achieves a cumulative height of six feet.

c. Location of Screening Wall

1. A screening wall or fence shall be installed no closer to the less intensive zoning district than one-half the width of the required bufferyard.

d. Screening: Effect on Drainage

Screening shall not adversely affect surface water drainage.

e. Permitted Interruptions of Screening

Screening may be interrupted to provide access drives to service areas or for loading purposes to buildings. Such breaks or interruptions shall not exceed 20% of the length of the required screened area.

### 807 Tree Plantings

In any district, one tree of an approved species with a minimum caliper size of two inches shall be planted and maintained for each 500 square feet of open area. Existing trees approved for preservation shall be counted toward satisfaction of this requirement.

### 808 General Provisions

a. Time of Application

The provisions contained in this Article shall be applied for each individual lot or site when an application for a building permit on such lot is made.

b. Maintenance of Required Landscaping

Upon installation of required landscape materials, each owner shall take appropriate actions to ensure their continued health and maintenance. Required landscaping that does not remain healthy shall be replaced consistent with this Article.

c. Obstruction of View

Landscaping or screening installed in any landscaped area shall not obstruct the view from or to any driveway approach, street, alley, or sidewalk.

## LANDSCAPING AND SCREENING STANDARDS

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d. Earth Berm Locations

All earth berm locations shall be reviewed by the Public Works Director, or his/her designee to determine how the berms shall relate to drainage and public utilities.

e. Exceptions

A development may continue to comply with the bufferyard and screening requirements in effect at the time of issuance of its original permit, regardless of whether an adjacent lot or site is subsequently rezoned to a less intensive district which would otherwise require compliance with bufferyard or screening provisions.

# 9

## ARTICLE NINE

### OFF-STREET PARKING

#### 901 Purpose

The Off-Street Parking Regulations require that developments provide parking in proportion to the need created by each use. These regulations are intended to accommodate vehicles in a functionally satisfactory manner and to minimize external effects on neighboring properties.

#### 902 General Applications

##### a. Applicability

Off-street parking shall be provided for any new building constructed; for new uses or conversions of existing buildings; or for enlargements of existing structures.

##### b. Exemptions

Any use within the CD Downtown District is exempt from the off-street parking requirements. Any off-street parking facility constructed in the C-2 District after the effective date of this Ordinance must comply with the design standards set forth in this Article.

#### 903 Parking Facility Location

##### a. Residential Parking

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

##### b. Non-residential Parking

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

#### 904 Parking for People with Disabilities

Each off-street parking facility shall provide parking spaces for use by people with disabilities. Parking spaces shall be van-accessible. Design and dimensions shall conform to the Americans with Disabilities Act. Parking facilities for single-family, duplex, two-family, and mobile home residential uses are exempt from this requirement.



## OFF-STREET PARKING

**Table 9-1: Accessible Parking Requirements**

Number of Stalls	Number of Required Accessible Spaces	Number of Stalls	Number of Required Spaces
1-25	1	201-300	7
25-50	2	301-400	8
51-75	3	401-500	9
76-100	4	501-1,000	2% of total
101-150	5	1,001 and over	20, plus 1 for each 100 stalls over 1,000
151-200	6		
Van Accessible Stalls: One in every eight accessible spaces, but not less than one, shall be served by an access aisle with a minimum width of 96 inches and shall be designated as "Van Accessible."			

### 905 Off-Street Parking Design Standards

#### a. Dimensions

- Standard parking stalls shall be 9 feet wide and 18 feet long.
- Parking facilities may provide up to 40% of their total stalls as designated compact stalls. Compact parking stalls shall be a minimum of 8.5 feet wide and 16 feet long.
- Spaces designated for the handicapped shall have a minimum width of 12 feet. Each handicapped space shall provide a barrier free route to an accessible building entrance, which shall not require users to walk or wheel behind parked cars. Such spaces shall be designated with an upright sign exhibiting the universal symbol for accessibility by the handicapped. All such spaces shall be designed in compliance with the standards of the Americans with Disabilities Act.

#### b. Drainage

- Off-street parking facilities shall be designed and built to prevent the free flow of water onto adjacent properties or public rights-of-way.

#### c. Landscape and Screening Requirements

Unless otherwise noted, each unenclosed parking facility of over 3,000 square feet shall comply with the following regulations:

- Each unenclosed parking facility shall provide a minimum landscaped buffer of ten feet along any street property line.
- Each parking facility that abuts a residential district shall provide a ten foot landscaped buffer along its common property line with the residential district.
- Any parking facility which abuts property in a residential district shall provide a fence, wall, landscape screen, or earth berm not less than four feet in height for the length of the common boundary. A grade change, terrace, or other site feature that blocks the sight line of headlights into a residential property may satisfy this requirement, subject to the determination of the Zoning Administrator.
- Each unenclosed parking facility of over 4,500 square feet within a street yard shall provide interior landscaped area equal to not less than 5 percent of the total area of the parking facility. Parking facilities within the I District are exempt from this requirement.

## OFF-STREET PARKING

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d. Entrances and Exits

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

e. Safety Features

1. Parking facilities shall be designed to provide visibility of and between pedestrians and vehicles when circulating within or entering or leaving the facility; and shall not create blind, hidden, or hazardous areas.
2. Circulation patterns shall be designed in accordance with accepted standards of traffic engineering and safety.

f. Lighting

Any lighting used to illuminate any off-street parking area shall be arranged to direct light away from adjoining properties in any residential district.

g. Maintenance

All parking facilities shall be maintained to assure the continued usefulness and compatibility of the facility. Acceptable maintenance includes keeping the facility free of refuse, debris, and litter; maintaining parking surfaces in sound condition; and providing proper care of landscaped areas.

h. Adjustment

For uses subject to Special Use Permit approval, the City Council may adjust the minimum requirements of this section, in order to provide design, usability, attractiveness, or protection to adjoining uses in a manner equal to or greater than the minimum requirements of this Article.

### 906 Off-Street Loading

a. Loading Requirement

Any use which involves the receipt or distribution of freight, merchandise, supplies, vehicles, or equipment as part of its typical operation shall provide and maintain adequate space for off-street loading and circulation. Loading areas shall be designed to avoid undue interference with the public use of streets and sidewalks.

## 10

ARTICLE TEN**SIGN REGULATIONS****1001 Purpose**

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

**1003 General Sign and Street Graphics Regulations****a. Compliance**

Each sign or part of a sign erected within the zoning jurisdiction of the City of Plainview must comply with the provisions of this chapter and of other relevant provisions of the City of Plainview's Municipal Code; and relevant building codes as enforced by the State of Nebraska.

**b. Resolution of Conflicting Regulations**

This chapter is not meant to repeal or interfere with enforcement of other sections of the City of Plainview's Municipal Code. In cases of conflicts between Code sections, State or Federal Regulations, the more restrictive regulations shall apply.

**c. Prohibited Signs**

The following signs are prohibited in all zoning districts.

1. Signs painted on or attached to rocks, trees, or other natural objects.
2. Signs or sign structures which resemble or conflict with traffic control signs or devices, which mislead or confuse persons traveling on public streets, or which create a traffic hazard.
3. Signs on or overhanging public property or public right-of-way, unless specifically authorized by the appropriate public agency.
4. Signs which create a safety hazard by obstructing the clear view of pedestrians or vehicles, or which obscure official signs or signals.
5. Abandoned signs. Any abandoned sign must be removed within six months of date of abandonment.
6. Portable signs, including signs painted, mounted, or printed on parked vehicles and trailers, except as provided below.
7. Signs that are not clean or in substantial good repair, or are not affixed to a sound structure.
8. Signs advertising activities that are illegal under Federal, state, or local laws and regulations.

**d. Exempt Signs**

## SIGN REGULATIONS

The following signs are permitted in any zoning district and are exempt from other provisions of this chapter.

1. Bulletin boards for religious assembly or school uses, provided that they have a maximum sign area of 20 square feet and are not located in a required sign setback.
2. Real estate signs.
3. Official signs authorized by a government or governmental subdivision which give traffic, directional, or warning information.
4. Seasonal decorations for display on private or public property.
5. On-premise construction signs.
6. One temporary sign per zoned lot for grand openings or special events provided that such sign remains in place for a maximum of seven days.
7. Works of graphic art painted or applied to building walls which contain no advertising or business identification messages.
8. Residential signs under 2 square feet in size.
9. Neighborhood or subdivision identification signs under 50 square feet.
10. Street numbers.
11. Signs that are not visible from a public right-of-way, private way, or court or from a property other than that on which the sign is installed.
12. Temporary signs for non-profit civic campaigns or events, political campaigns, or other non-commercial events.

e. Bufferyards

No sign other than on-premise directional signs shall be placed within any bufferyard required by Article Eight, Landscaping and Screening Regulations, except bufferyards adjacent to intervening major streets.

f. Vision-Clearance Area

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



# 11

## ARTICLE ELEVEN

### NONCONFORMING DEVELOPMENT

#### 1101 Purpose

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

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

#### 1102 Regulations Additive

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

#### 1103 Nonconforming Lots

##### a. Pre-Existing Lots of Record

Nonconforming lots of record existing at the time of the adoption of this chapter shall be exempt, unless otherwise provided, from the minimum lot area and lot width requirements of each zoning district. Such lots may be developed with any use allowed by the regulations for the district and must comply with all other site development regulations set forth by the Zoning Ordinance.

##### b. Reductions Due to Public Acquisition

If a portion of a legally existing lot in any district is acquired for public use, the remainder of this lot shall be considered a conforming lot.

#### 1104 Nonconforming Structures

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

##### a. Continuation

A lawful nonconforming structure existing on the effective date of this Title may be continued, repaired, maintained, or altered, subject to the provisions of this Section.

##### b. Additions or Enlargements to Nonconforming Structures

1. A lawful nonconforming structure may be added to or enlarged if the addition satisfies one or more of the following conditions:

## NONCONFORMING DEVELOPMENT

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(a) The enlargement or addition, when considered independently of the existing building, complies with all applicable setback, height, off-street parking, and landscaping requirements.

(b) The nonconforming building and impervious surface coverage on the site are not increased and the building, after the addition, conforms to height and off-street parking regulations applicable to its zoning district.

(c) The addition projects no further into a required side yard setback than the existing building; the length of the side wall of the addition is the smaller of 25 feet or 50 percent of the length of the existing nonconforming side wall; and the enlarged building complies with building and impervious coverage, front and rear yard setbacks, and height regulations applicable to its zoning district.

2. No permitted addition to a nonconforming structure may place a wall within ten feet of a window of an adjacent pre-existing residential structure.

3. Nonconforming buildings shall be limited to one addition or enlargement pursuant to these regulations.

c. Moving of Nonconforming Structures

A lawful nonconforming building or structure shall not be moved in whole or in part to another location on its lot unless every part of the structure conforms to all site development regulations applicable to its zoning district.

d. Repair of Nonconforming Structures

A lawful nonconforming building damaged by fire, explosion, storm or other calamity, except flood damages, may be repaired and reconstructed provided there is no increase in the degree of nonconformity. Repair and reconstruction within the designated floodplain shall be in conformance with Floodplain development regulations.

e. Conversion of a Conforming Building

A conforming building shall not be changed in any way that will result in a nonconforming development.

f. Applicability of Landscaping and Screening Regulations

A pre-existing structure, building, or development shall be exempt from Article Eight, Landscaping and Screening Regulations. However, any expansion of such structure, building, or development or any adjacent new development onto property that is or becomes vacant on or after the effective date of this Ordinance shall be subject to Article Eight.

### 1105 Nonconforming Uses

a. Continuation of Nonconforming Uses

Any nonconforming use lawfully existing on the effective date of this Ordinance may continue, subject to the limitations of this Section.

b. Enlargement of Nonconforming Uses

A building or structure housing a lawful nonconforming use may not be added to or enlarged.

c. Abandonment of Nonconforming Use

## NONCONFORMING DEVELOPMENT

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If any structure or property used as a lawful nonconforming use becomes abandoned for a continuous period of twelve months, any subsequent use must conform to all use regulations applicable to the property's zoning district.

d. Change of Use

1. A lawful nonconforming use may be changed only to a use type permitted in a zoning district that is equal to or less intensive than that normally required for the previous use.

e. Allowance for Repairs

Repairs and maintenance of a structure occupied by a nonconforming use may be made, provided that no structural alterations are made other than those required by law.

f. Damage or Destruction of Structures

Should a structure occupied by a lawful nonconforming use be damaged to the extent that the cost of restoration exceeds 50 percent of the replacement cost of the structure, the nonconforming use shall no longer be permitted.

g. Nonconforming Uses and Conditional and Special Use Permits

A lawful pre-existing use which would require a Special Use Permit in its zoning district shall be presumed to have the appropriate Permit and shall be considered a conforming use. The use shall be subject to the regulations governing lapses or revocation of Permits, set forth in Article Twelve.

# 12

## ARTICLE TWELVE

### ADMINISTRATION AND PROCEDURES

#### 1201 Purpose

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

#### 1202 Special Use Permit Procedure

##### a. Purpose

The Special Use Permit Procedure provides for public review and discretionary City Council approval for uses within zoning districts that have unusual site development or operating characteristics that could adversely affect surrounding properties.

##### b. Administration

The Planning Commission shall review and evaluate each application and transmit its recommendation to the City Council. The City Council shall review, evaluate, and act upon all applications submitted pursuant to this procedure.

##### c. Application Requirements

An application for a Special Use Permit may be filed with the Zoning Administrator by the owner(s) of a property or the owners' authorized agent. The application shall include the following information:

1. Name and address of the applicant.
2. Owner, address and legal description of the property.
3. A description of the nature and operating characteristics of the proposed use.
4. Any graphic information, including site plans, elevations, other drawings, or other materials determined by the Zoning Administrator to be necessary to describe the proposed use to approving agencies.

##### d. Approval Process

1. The Planning Commission, following proper notice, shall hold a public hearing on each Special Use Permit and, following such public hearing, shall recommend action to the City Council.
2. The City Council, after publication and public hearing, shall act on the Special Use Permit. A majority vote of those members either elected or appointed to the City Council is required for approval.

##### e. Criteria for Review

1. The Planning Commission and the City Council shall review and approve the site plan based on the criteria established in Table 12-1 and conformance with applicable regulations in this Zoning Ordinance.



f. Scope of City Council's Approval

1. The City Council may, at its discretion, apply a Special Use Permit to a specific owner or applicant. The City Council may establish special site development or operational regulations as a condition for approval of a Special Use Permit.
2. The City Council shall not grant a Special Use Permit for any home occupation or home based business which is otherwise prohibited under Section 611 of this Ordinance.

g. Lapse and Revocation of Permit

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

h. Previously Approved Permits

Any special use approved under regulations in effect before the effective date of this Ordinance shall be considered to have a valid Special Use Permit, subject to requirements imposed at the time of its approval.

**1203 Amendment Procedure**

a. Purpose

The Amendment Procedures describe the methods by which changes may be made in the text of the Zoning Ordinance (text amendment) and/ or the official boundaries of zoning districts (rezoning).

b. Initiation of Amendments

1. Text amendments may be initiated by the Planning Commission or City Council.
2. Rezoning may be initiated by a property owner or authorized agent; the Planning Commission; or the City Council.

c. Rezoning Application Requirements

An application for a rezoning may be filed with the Zoning Administrator or his/her designee. The application shall include the following information:

1. Name and address of the applicant.
2. Owner, address and legal description of the property.
3. A description of the reason for the rezoning application and the nature and operating characteristics of the proposed use.
4. Any graphic information, including site plans, elevations, other drawings, or other materials determined by the Zoning Administrator to be necessary to describe the proposed use to approving agencies.

d. Amendment Process

1. The Planning Commission, following ten days notice and publication, shall hold a public hearing on each proposed text or rezoning and, following such public hearing, shall recommend action to the City Council. A vote either for or against an amendment by a majority of all

Planning Commission members shall constitute a recommendation to the City Council. A vote either for or against an amendment by less than a majority of all Planning Commission members shall constitute a failure to make a recommendation to the City Council.

2. The City Council, after publication and public hearing, shall act on the proposed amendment. A majority vote of those members either elected or appointed to the City Council is required for approval.

e. Required Notice and Publication

Prior to consideration of amending, supplementing, changing, modifying, or repealing this ordinance by the governing body, notice of public hearings shall be provided as follows:

1. Notice by Posted Sign: A notice shall be posted in a conspicuous place on or near the property upon which action is pending. Such notice shall be not less than eighteen inches in height and twenty-four inches in width with a white background and black letters not less than one and one-half inches in height. Such posted notice shall be so placed upon such premises that is easily visible from the street and shall be so posted at least ten days before the date of such hearing. It shall be unlawful for any person to remove, mutilate, destroy or change such posted notice prior to such hearing. This posting may be omitted if so allowed by state law in the change of an entire district or the entire code.

2. Publication: At least ten days before the date of hearing, the City Clerk shall have published in a weekly newspaper having a general circulation in the City of Plainview a Notice of the time, place and subject matter of such hearing

**1204 Extension of the Extra-Territorial Jurisdiction**

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

**1205 Building Permits and Certificates of Zoning Compliance**

a. Administration and Enforcement

The Zoning Administrator shall administer and enforce this ordinance. The City Council may direct other persons to assist him/her.

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

b. Building Permits Required

No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefore, issued by the administrative official. No building permit shall be issued by the administrative official except in conformity with the provisions of this ordinance, unless he/she receives a written order from the Board of Adjustment in the form of an administrative review, special exception, or variance as provided by this ordinance.

c. Application for Building Permit

All applications for building permits if applicable shall include plans in duplicate; drawn to scale; showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration.

The application shall include such other information as lawfully may be required by the administrative official, including existing or proposed building or alterations; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of this ordinance.

One copy of the plans shall be returned to the applicant by the administrative official, after he/ she shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. One copy of the plans, similarly marked, shall be retained by the administrative official.

d. Certificates of Zoning Compliance for New, Altered or Non-Conforming Uses

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of zoning compliance shall have been issued therefore by the administrative official stating that the proposed use of the building or land conforms to the requirements of this ordinance.

e. Expiration of Building Permit

1. If the work described in any building permit has not begun within 1 year from the date of issuance thereof, said permit shall expire; it shall be canceled by the administrative official; and written notice thereof shall be given to the persons affected.

2. If the work described in any building permit has not been substantially completed within two years of the date of issuance thereof, said permit shall expire and be canceled by the administrative official, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new building permit has been obtained.

3. The expiration date of a building permit may be established for a period longer than two years if established at the time that such permit is issued by the City. The Zoning Administrator, or his/her designee may, at his/her discretion extend the expiration period of the building permit.

f. Construction and Use to be as Provided in Applications, Plans, Permits, and Certificates of Zoning Compliance

Building permits or certificates of zoning compliance issued on the basis of plans and applications approved by the administrative official authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement or construction. Use, arrangement, or construction at variance with that authorized shall be deemed violation of this ordinance, and punishable as provided by Section hereof.

**1206 Schedule of Fees, Charges and Expenses.**

The City Council shall establish a schedule of fees, charges, and expenses and a collection procedure for building permits, certificates of zoning compliance, appeals, and other matters pertaining to this ordinance.

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

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

**1207 Board of Adjustment**

a. The City of Plainview will not establish a separate Board of Adjustment, but will rely on the county board of adjustment, as provided by state law, all subject to the rules and regulations laid down by the county board.

**1208 Duties of Zoning Administrator, Board of Adjustment, City Council, and Courts on Matters of Appeal.**

a. It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the Zoning Administrator, and that such questions shall be presented to the Board of Adjustment only on appeal from the decision of the Zoning Administrator, and that recourse from the decisions of Board of Adjustment shall be to the courts as provided by law.

b. Under this ordinance the City Council shall have only the duties (1) of considering and adopting or rejecting proposed amendments, or the repeal of this ordinance as provided by law, (2) of establishing a schedule of fees and charges as stated in Section 12 of this Ordinance, and (3) of directing a city officer to appeal a decision of the Board of Adjustment.

**1209 Severability Clause.**

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

**1210 Complaints Regarding Violations.**

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

**1211 Penalties for Violation.**

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

b. The owner or tenant of any building, structure, premises, or part thereof, any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

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



## ADMINISTRATION AND PROCEDURES

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

CRITERIA		APPLIES TO Special Use Permit
<b>Land Use Compatibility</b>		
Development Density	Site area per unit or floor area ratio should be similar to surrounding uses if not separated by major natural or artificial features.	X
<b>Height and Scale</b>		
Height and Bulk	Development should minimize differences in height and building size from surrounding structures. Differences should be justified by urban design considerations.	X
Setbacks	Development should respect pre-existing setbacks in surrounding area. Variations should be justified by site or operating characteristics.	X
Building Coverage	Building coverage should be similar to that of surrounding development of possible. Higher coverage should be mitigated by landscaping or site amenities.	X
<b>Site Development</b>		
Frontage	Project frontage along a street should be similar to lot width.	X
Parking and Internal Circulation	Parking should serve all structures with minimal conflicts between pedestrians and vehicles.	X
	All structures must be accessible to public safety vehicles.	X
	Development must have access to adjacent public streets and ways. Internal circulation should minimize conflicts and congestion at public access points.	X
Landscaping	Landscaping should be integral to the development, providing street landscaping, breaks in uninterrupted paved areas, and buffering where required by surrounding land uses. Parts of site with sensitive environmental features or natural drainageways should be preserved.	X
Building Design	Architectural design and building materials should be compatible with surrounding areas or highly visible locations	X
<b>Operating Characteristics</b>		
Traffic Capacity	Project should not reduce the existing level of traffic service on adjacent streets. Compensating improvements will be required to mitigate impact on street system operations.	X
External Traffic Effects	Project design should direct non-residential traffic away from residential areas.	X
Operating Hours	Projects with long operating hours must minimize effects on surrounding residential areas.	X
Outside Storage	Outside storage areas must be screened from surrounding streets and less intensive land uses.	X
<b>Public Facilities</b>		
Sanitary Waste Disposal	Developments within 500 feet of a public sanitary sewer must connect to sewer system. Individual disposal systems, if permitted, shall not adversely affect public health, safety, or welfare.	X
	Sanitary sewer must have adequate capacity to serve development.	X
Storm Water Management	Development should handle storm water adequately to prevent overloading of public storm water management system.	X
	Development should not inhibit development of other properties.	X
	Development should not increase probability of erosion, flooding, landslides, or other run-off related effects.	X
Utilities	Project must be served by utilities.	X
	Rural estate subdivisions should be located in designated areas which can accommodate utility and infrastructure installation consistent with the need to protect the environment and public health.	X
<b>Other Requirements</b>		
Comprehensive Plan	Projects should be consistent with the City of Plainview's Comprehensive Development Plan.	X