



City of Blue Hill Official Zoning Ordinance

Ordinance No. 699

Adopted May 8, 2018



TITLE: City of Blue Hill Zoning and Subdivision Regulations

AUTHOR: Jennifer Hiatt, JD—Community Planner, South Central Economic Development District, Inc.

SUBJECT: Zoning and Subdivision Regulations for Blue Hill and its one (1) mile extra territorial jurisdiction

DATE:

LOCAL PLANNING AGENCY: Blue Hill Planning Commission

SOURCE OF COPIES: Blue Hill City Office

ABSTRACT: These zoning regulations are consistent with the City of Blue Hill's adopted Comprehensive Plan. Any amendments to this chapter, including but not limited to, rezoning and development approvals, shall be consistent with the adopted Comprehensive Plan, as it is amended, in effect at the time of the request for amendments. An amendment to the text of the zoning regulations is consistent, and in accordance, with the Comprehensive Plan if it complies with the goals, objectives, and strategies, as well as any vision statement contained therein. Any amendment to the zoning code not consistent or in accordance with the Comprehensive Plan should result in a subsequent amendment to the Comprehensive Plan.

| | |
|--|-----------|
| Article One: Title and Purpose | 5 |
| 1.1 Title | 5 |
| 1.2 Purpose..... | 5 |
| 1.7 Relief from Other Provisions | 6 |
| 1.8 Repeal of Conflicting Ordinances..... | 6 |
| 1.9 Severability of Provisions | 6 |
| 1.10 Planning Commission Recommendations | 6 |
| 1.11 District Regulations, Restrictions, Boundary Creation | 6 |
| 1.12 Jurisdiction | 6 |
| 1.13 Protection Corridors | 6 |
| 1.14 Provisions of Ordinance Declared to be Minimum Requirements | 6 |
| 1.15 Zoning Affects Every Building and Use | 7 |
| 1.16 Publication | 7 |
| Article Two: Rules and Definitions | 8 |
| 2.1 Purpose..... | 8 |
| 2.2 Rules of General Construction of the Language..... | 8 |
| 2.3 Definitions..... | 9 |
| Article Three: Zoning Districts and Official Zoning Map | 36 |
| 3.1 Purpose..... | 36 |
| 3.2 Districts..... | 36 |
| 3.3 Hierarchy | 36 |
| 3.4 District Boundaries | 36 |
| 3.5 Rules for Interpretation of District Boundaries | 36 |
| 3.6 Provisions for Official Zoning Map..... | 37 |
| 3.7 Annexation of Territory | 37 |
| 3.8 Agricultural District (AG) | 37 |
| 3.9 Residential (R) | 38 |
| 3.10 Downtown Mixed Commercial Use (DT) | 39 |
| 3.13 Planned Unit Development Overlay (PUD)..... | 40 |
| Article Four: Use Regulation Matrix | 41 |
| Article Five: Supplemental Provisions | 50 |
| 5.1 Purpose..... | 50 |
| 5.2 Lot Requirements | 50 |

| | | |
|---|---|----|
| 5.3 | Reductions in Lot Area Prohibited | 50 |
| 5.4 | Through Lots | 50 |
| 5.5 | Obstructions to Vision at Street Intersections Prohibited | 51 |
| 5.6 | Yard Requirements | 51 |
| 5.7 | Permitted Obstructions in Required Yards | 51 |
| 5.8 | Fences | 52 |
| 5.9 | Drainage..... | 53 |
| 5.10 | Accessory Buildings and Uses | 53 |
| 5.11 | Nonconforming, General Intent | 54 |
| 5.12 | Nonconforming Lots of Record | 55 |
| 5.13 | Nonconforming Structures | 55 |
| 5.14 | Nonconforming Uses | 56 |
| 5.15 | Repairs and Maintenance | 57 |
| 5.16 | Uses Under Special Use Permits Not Nonconforming Uses | 57 |
| 5.17 | Fees | 57 |
| 5.18 | Sign Regulations | 57 |
| 5.19 | Signage Design Elements..... | 60 |
| 5.20 | Other Sign Provisions..... | 61 |
| 5.21 | Off-street Parking, Shared Parking Requirements | 62 |
| 5.22 | Off-street Parking, Parking for Individuals with Disabilities | 65 |
| 5.23 | Storage or Parking for Vehicles, Boats, Campers, and Trailers | 66 |
| 5.24 | Storage and Shipping Container Placement and Use Requirements | 66 |
| 5.25 | Solar Panels..... | 67 |
| Article Six: Conditional Use Permits | | 70 |
| 6.1 | General Provisions..... | 70 |
| 6.2 | Application for Conditional Use Permit..... | 70 |
| 6.3 | Planning Commission Public Hearing | 70 |
| 6.4 | City Council Public Hearing..... | 70 |
| 6.5 | Decisions | 71 |
| 6.6 | Standards | 71 |
| Article Seven: Subdivision Regulations..... | | 73 |
| 9.1 | Jurisdiction and Applicability | 73 |
| 9.2 | Necessary for Building Permit Approval | 73 |

| | | |
|--|--|----|
| 9.3 | Interpretations, Conflict, and Severability | 73 |
| 9.4 | Approval Necessary for Acceptance of Subdivision Plats | 73 |
| 9.5 | Approval Necessary for Further Subdivisions (Minor-Subdivisions) | 74 |
| 9.6 | Dedication of Public Lands | 74 |
| 9.7 | Hearings Necessary for Approval of Additions | 74 |
| 9.8 | Annexation..... | 74 |
| 9.9 | Hearings Necessary for Approval of Annexations..... | 74 |
| 9.10 | Vacations | 74 |
| 9.11 | Force and Effect..... | 74 |
| Article Eight: Board of Adjustments | | 76 |
| 8.1 | Fees | 76 |
| 8.2 | Legislative Body of City May Act as Board of Adjustment | 76 |
| 8.3 | Appeals to Board, Record of Appeal, Hearings and Stays..... | 76 |
| 8.4 | Powers and Jurisdiction on Appeals | 76 |
| 8.5 | Appeals to District Court..... | 77 |
| Article Nine: Amendments and Enforcement | | 78 |
| 9.1 | Amendments..... | 78 |
| 9.2 | Planning Commission Review..... | 78 |
| 9.3 | Inspection by City Staff | 78 |
| 9.4 | Building Permits | 79 |
| 9.5 | Application for a Building Permit..... | 79 |
| 9.6 | Certificate of Occupancy | 79 |
| 9.7 | Notice of Hearings | 79 |
| 9.8 | Penalties | 80 |
| 9.9 | Remedies | 80 |
| 9.10 | Effective Date..... | 80 |

Article One: Title and Purpose

1.1 Title

This title of the Blue Hill Municipal Code, herein after “this Zoning Ordinance,” shall be known as the City of Blue Hill Zoning Ordinance.

1.2 Purpose

The purposes of this City of Blue Hill Zoning Ordinance are to:

1.2.01 Serve the public health, safety, and general welfare of the City and its jurisdiction.

1.2.02 Classify property in a manner that reflects its suitability for specific uses.

1.2.03 Provide for sound, attractive development within the City and its jurisdiction.

1.2.04 Encourage compatibility of adjacent land uses.

1.2.05 To prevent excessive population densities and overcrowding.

1.2.06 Protect environmentally sensitive areas.

1.2.07 Further the objectives of Blue Hill Comprehensive Plan.

1.3 Application

No building, structure, or land, with the exception of agricultural related buildings in the Agricultural District, shall be constructed, reconstructed, moved, structurally altered, used, or occupied except as provided by this Zoning Ordinance.

1.4 Consistency with Comprehensive Plan

The City of Blue Hill intends that this Zoning Ordinance and any amendments to it shall be consistent with the City’s Comprehensive Plan. It is the City’s intent to amend this Zoning Ordinance whenever such action is deemed necessary to keep regulatory provisions in conformance with the Comprehensive Plan. If this Zoning Ordinance is amended, such amendments shall be reflected in the Comprehensive Plan.

1.5 Relationship to City Code

The use of buildings and land within the City of Blue Hill shall be subject to all applicable provisions of the City Code and other ordinances, as well as this Zoning Ordinance, whether or not those other provisions of the City Code are specifically cross-referenced in this Zoning Ordinance. Cross-reference to other provisions of the City Code found in this Zoning Ordinance are provided for the convenience of the reader; lack of a cross-reference should not be construed as an indication that other provisions of the City Code do not apply.

1.6 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 Blue Hill, or any applicable State or Federal law, the more restrictive provision shall apply.

1.7 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 or special permit.

1.8 Repeal of Conflicting Ordinances

All ordinances or parts of ordinances in conflict with this Zoning Ordinance, or inconsistent with the provisions of this Zoning Ordinance, are hereby repealed to the extent necessary to give this Zoning Ordinance full force and effect.

1.9 Severability of Provisions

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.

1.10 Planning Commission Recommendations

Pursuant to §19-901 et. seq. Neb. Rev. Stat. 1943, it shall be the purpose of the Planning Commission, herein after the “Commission,” to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein. The Commission shall make a preliminary report and hold public hearings thereon before submitting its final report, and the City Council shall not hold its public hearings or take action until it has received the final report.

1.11 District Regulations, Restrictions, Boundary Creation

No such regulation, restriction, or boundary shall become effective until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearings shall be given by publication thereof in a paper of general circulation in the City at least one time ten (10) days prior to such hearing.

1.12 Jurisdiction

The provision of this Zoning Ordinance shall apply within the corporate limits of the City of Blue Hill, Nebraska, and within the territory beyond said corporate limits as prescribed under Nebraska Revised Statutes, as established on the map entitled “The Official Zoning Map of the City of Blue Hill Nebraska,” and as may be amended by subsequent annexation.

1.13 Protection Corridors

In addition to the regulations of this Zoning Ordinance, all structures within any protection corridor of the City, county, or the Nebraska Department of Transportation shall adhere to any permits, reviews, and established setbacks.

1.14 Provisions of Ordinance Declared to be Minimum Requirements

In their interpretation and application, the provisions of this Zoning Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, or general welfare. Whenever the provisions of this Zoning Ordinance require a lower height of building or lesser size of yards, courts or other open spaces, or require a lower height of

building or lesser number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in any other ordinance, the provisions of this Zoning Ordinance shall govern. Wherever the provisions of any other ordinance requires a greater width or size of yards, courts or other open spaces, or requires a lower height of building or a lesser number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by the provisions of this Zoning Ordinance, the provisions of such ordinance shall govern.

1.15 Zoning Affects Every Building and Use

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

1.16 Publication

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

Article Two: Rules and Definitions

2.1 Purpose

Article Two shall be known as the Rules and Definitions. The purpose of these provisions is to promote consistency and precision in the interpretation of this Zoning Ordinance. The meaning and construction of words as set forth shall apply throughout this 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.

2.2 Rules of General Construction of the Language

For the purposes of this Zoning Ordinance the following rules shall apply:

- 2.2.01 Words and numbers used singularly shall include the plural, the plural shall include the singular, unless the context clearly indicates otherwise. Words used in the present tense shall include the future tense.
- 2.2.02 Any conflict between the text and any illustration explaining the text, the text shall apply.
- 2.2.03 The word “persons” includes a corporation, members of a partnership or other business organization, a committee, Council, council, commission, trustee, receiver, agent, or any other representative.
- 2.2.04 The word “shall” is always mandatory. The word “may” is discretionary and not compulsory.
- 2.2.05 The words “use,” “used,” “occupy,” or “occupied” as applied to any land or building shall be construed to include the words “intended,” “arranged,” or “designed” to be used or occupied.
- 2.2.06 The word “and” indicates all connected items, conditions, provisions, or events shall apply. The word “or” indicates that one or more of the connected items, conditions, provisions, or events shall apply. “Either... or” indicates that the connected items or provisions shall apply singly but not in combination.
- 2.2.07 The word “Commission” shall refer to the Planning Commission of the City of Blue Hill, Nebraska.
- 2.2.08 Undefined words or terms not herein defined shall have their usual and customary meaning as defined in a standard English dictionary or other applicable City, State, or Federal regulation, unless the context clearly indicates another meaning was intended.
- 2.2.09 Computation of Time: Unless otherwise specifically provided, the time within which an act is to be completed shall be computed by excluding the first day and including the last day, unless it is Sunday or a City holiday. All acts shall be completed within the time frame specified subject to extension periods provided herein.
- 2.2.010 Unless otherwise indicated, all public officials, bodies, and agencies referred to in this Chapter are those of the City of Blue Hill, Nebraska.

2.3 Definitions

For the purposes of this Zoning Ordinance, certain terms and words are hereby defined. Certain sections contain definitions which are additional to those listed here. These definitions shall be used in the interpretation of this Zoning Ordinance.

2.3.1 A

1. **ABANDONED:** intent of abandonment shall be assumed once an owner has ceased to use a property for a period of twelve (12) months. Indications of cessation include, without limitation, failure to provide utilities, lack of occupancy, failure to invest any resources into the property, lack of routine maintenance performance, defaulting on required financial payments, and failure to pay appropriate taxes. This is distinguished from short-term interruptions such as periods of remodel, maintenance, or normally accepted periods of vacation or seasonal closure.
2. **ABUT OR ABUTTING:** to border on, being contiguous with or have property or district lines in common. This shall include properties separated by an alley.
3. **ACCESS OR ACCESS WAY:** the place, means, or way by which pedestrians and vehicles shall have safe, adequate, and usable ingress and egress to a property or use as required by this Zoning Ordinance.
4. **ACCESSORY BUILDING:** any detached subordinate (in size and use) building which serves a function customarily incidental to that of the main building or main use of the premises. Customary accessory buildings include, without limitation, farm buildings, garages, attached carports, and small storage sheds.
5. **ACCESSORY LIVING QUARTERS:** living quarters located within an accessory building located on the same premises with the main building, for use by temporary guests of the occupant of the premises. Such quarters have no kitchen facilities and are not rented or otherwise used as a separate dwelling unit.
6. **ACCESSORY STRUCTURE:** a detached subordinate (in size and use) structure located on the same lot with the principal structure, the use of which is incidental and accessory to that of the principal structure.
7. **ACCESSORY USE:** a use incidental, related, appropriate, and clearly subordinate to the main use of the lot or building, which accessory use does not alter the principal use of the subject lot or affect other properties in the district.
8. **ADJACENT:** near, close, or abutting. For example, a Commercial District across the street from a Residential District shall be considered as “adjacent.”
9. **ADULT ESTABLISHMENT:** any business which offers its patrons services or entertainment characterized by an emphasis on matter depicting, exposing, describing, discussing, or relating to “specified sexual activities” or “specified anatomical areas,” including, without limitation, adult bookstores, adult motion picture theaters, saunas, adult companionship establishments, adult health clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotel or motels, and adult body painting studios.

10. **AGRICULTURAL FARM OPERATION:** any tract of land over ten acres in area used for or devoted to the commercial production of farm products.
11. **AGRICULTURE:** planting, cultivating, harvesting, and storage of grains, hay, or plants commonly grown in the country. The raising and feeding of livestock and poultry shall be considered an agricultural venture if the area in which the livestock or poultry is kept is ten acres or more in area, and if such raising of livestock and poultry is incidental or supplemental to the raising of crops.
12. **ALLEY:** a dedicated public or private right-of-way, other than a street, which provides only a secondary means of access to abutting property, which is no less than twenty (20) feet in width. Buildings facing an alley shall not be construed as satisfying the requirements of this regulation related to frontage on a dedicated street.
13. **ALTERATION:** as applied to a building or structure, is a change or rearrangement in the structural parts of an existing building or structure. Enlargement, whether by extending a side, increasing in height or the moving from one location or position to another, shall be considered an “alteration.”
14. **AMENDMENT:** a change in the wording, context, or substance of this Zoning Ordinance, an addition or deletion or a change in the district boundaries or classifications upon the official zoning map.
15. **ANIMAL HOSPITAL OR CLINIC:** an establishment where animals are admitted principally for examination, treatment, Council, or care by a doctor of veterinary medicine. This does not include open kennels or runs.
16. **APARTMENT:** a room or a suite of rooms within an apartment house or multiple family dwelling arranged, intended, or designed for a place of residence of an individual, a single family or group of individuals living together as a single housekeeping unit. (See also Dwelling, Multiple.)
17. **APPEARANCE:** the outward aspect visible to the public.
18. **APPROPRIATE:** fitting to the context of the site and the whole community.
19. **APPURTENANCES:** shall mean the visible, functional, objects accessory to and part of buildings.
20. **AREA:** a piece of land capable of being described with such detail that its location may be established and boundaries ascertained.
21. **ATTACHED:** having one or more walls in common with a principal building or connected to a principal building by an integral architectural element.

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

2.3.2 B

1. BAR: any establishment whose principal business is serving alcoholic beverages at retail for consumption on the premise.
2. BASEMENT: a level of building below street level that has at least one-half (1/2) of its height, measuring from its floor to its ceiling, 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. BED AND BREAKFAST: a house, or portion thereof, where short-term lodging rooms and meals are provided. The operator of the inn shall live on the premises.
4. BEDROOM: a room within a dwelling unit planned and intended for sleeping, separable from other rooms by a door.
5. BEST INTEREST OF THE COMMUNITY: shall mean interests of the community at large and not interests of the immediate neighborhood.
6. BLOCK: a parcel of land platted into lots and bounded by public streets or by waterways, right-of-ways, unplatted land, City-County boundaries, or adjoining property lines which has been designated as such on a plat for the purposes of legal description of a property.
7. BOARD OF ADJUSTMENT: the Council that has been created by the City and which has the statutory authority to hear and determine appeals, interpretations of, and variances to the zoning regulations.
8. BREW PUB: a restaurant or hotel which includes the brewing of beer as an accessory use. The brewing operation processes water, malt, hops, and yeast into beer or ale by mashing, cooking, and fermenting. By definition, these establishments produce more than 10,000 barrels of beer or ale annually. The area, by definition, used for brewing, including bottling and kegging, shall not exceed twenty-five percent (25%) of the total floor area of the commercial space.
9. BREWERY: an industrial use that brews ales, beers, meads, and/or similar beverages on site. Breweries are classified as a use that manufactures more than 10,000 barrels of beverage (all beverages combined, annually).
10. BUFFER: strip of land established to protect one type of land use from another incompatible land use or between a land use and a private or public road. (See also Screening.)

11. **BUFFER ZONE:** an area of land that separates two zoning districts and/or land uses that acts to soften or mitigate the effects of one use on the other.
12. **BUILDING:** any structure entirely separated from any other structure by space or by walls, having a roof, that was built and maintained for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind. Trailers, with or without wheels, shall not be considered as buildings. The term “building” includes the term “structure.”
13. **BUILDING, AREA OF:** shall mean the sum in square feet of the ground areas occupied by all buildings and structures on a lot.
14. **BUILDING CODE:** the various codes of the City that regulate construction and requires building permits, electrical permits, mechanical permits, plumbing permits, and other permits to do work regulated by the Uniform Building Code, and other codes adopted by the City that pertain to building codes.
15. **BUILDING HEIGHT:** Shall be measured at the highest point of the building.
16. **BUILDING OFFICIAL:** the designee of the City Council, who is responsible for the enforcement of the applicable building code and conditional uses.
17. **BUILDING PERMIT:** a document that must be issued by the Building Official prior to erecting, constructing, enlarging, altering, repairing, moving, improving, removing, converting, or demolishing any building or structure regulated by this Zoning Ordinance or by the applicable building codes of the City of Blue Hill. Issuance of a building permit follows review of plans by the Building Official to determine that the proposed use of building or land complies with the provisions of this Zoning Ordinance.
18. **BUILDING SETBACK:** the minimum of distance as prescribed by this Zoning Ordinance between any property line and the closed point of the building line or face of any building or structure.

2.3.3 C

1. **CAMPGROUND:** a parcel of land intended for the temporary occupancy of tents, campers, and major recreational vehicles and which its primary purpose is recreational, having open areas that are natural in character.
2. **CAR WASH:** a building or structure or area of land with machine or hand operated facilities for the cleaning, washing, polishing, or waxing of motor vehicles, not including semi-trailer tractors, buses, and commercial fleets.
3. **CARPORT:** a permanent roofed structure with not more than two (2) enclosed sides used or intended to be used for automobile shelter and storage.

4. CEMETERY: land used or intended to be used for the burial of the dead and dedicated for such purposes, including columbariums, crematoriums, and mausoleums.
5. CHARITABLE ORGANIZATION OR CLUB: a public or semi-public institutional use of a philanthropic, charitable, benevolent, religious, or eleemosynary character, but not including sheltering or caring of animals.
6. CHANGE OF USE: the replacement of an existing use by a new use.
7. CHILD CARE: the care as follows
 - a. To four (4) or more children under thirteen (13) at any time of families other than that of the provider
 - b. For on average of less than twelve (12) hours a day
 - c. For compensation, either direct or indirect
 - d. On a regular basis, and
 - e. By a person other than their parents/guardians
8. CHILD CARE CENTER: a facility licensed to provide child care for thirteen (13) or more children. In addition to these regulations, Child Care Centers shall meet all requirements of the State of Nebraska.
9. CHURCH: a permanently located building commonly used for religious worship fully enclosed with walls and having a roof and conforming to applicable legal requirements.
10. CITY: the City of Blue Hill, Nebraska
11. CLUB: an association of persons (whether incorporated or not), religious or otherwise, for a common purpose, but not including groups organized primarily to render a service or carried on as a business for profit.
12. CLUSTER DEVELOPMENT: a development designed to concentrate buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and the preservation of environmentally sensitive areas.
13. CODE: The City Code of the City of Blue Hill.
14. COMMISSION: the Blue Hill Planning Commission.
15. COMMON AREA OR PROPERTY: a parcel or parcels of land, together with improvements thereon, the use and enjoyment of which are shared by the Owners of the individual building sites in a Planned Development or condominium development.

16. COMMON OPEN SPACE: an area of land or water or combination thereof planned for passive or active recreation, but does not include areas utilized for streets, alleys, driveways or private roads, off-street parking, or loading areas. Areas of recreational activities such as swimming pools, tennis courts, shuffle courts, etc. may be included as common open space.
17. COMMUNITY CENTER: a place, structure, or other facility used for and providing religious, fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve various segments of the community.
18. 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.
19. COMPATIBLE USES: a land use which is congruous with, tolerant of, and has no adverse effects on existing neighboring uses. Incompatibility may be affected by pedestrian or vehicular traffic generation, volume of goods handled and environmental elements such as noise, dust, odor, air, pollution, glare, lighting, debris generated, contamination of surface or ground water, aesthetics, vibration, electrical interference, and radiation.
20. COMPREHENSIVE PLAN: Blue Hill Comprehensive Plan of the City of Blue Hill, Nebraska as adopted by the City Council, setting forth policies for the present and foreseeable future community welfare as a whole and meeting the purposes and requirements of Neb. Rev. Stat. §19-924-929 (1943) (Reissue 1997), as the same may, from time-to-time, be amended.
21. CONDITIONAL ACCESSORY USE: an incidental, related, appropriate, and clearly subordinate to the main use of the lot or building, and where allowed by the district regulations, that would not be appropriate generally throughout the zoning district without restrictions, but which, if controlled as to number, size, area, location, relation to the neighborhood, or other minimal protective characteristics would not be detrimental to the public health, safety, and general welfare.
22. CONDITIONAL USE: a use where allowed by the district regulations, that would not be appropriate generally throughout the zoning district without restrictions, but which, if controlled as to number, size, area, location, relation to the neighborhood or other minimal protective characteristics would not be detrimental to the public health, safety, and general welfare.
23. CONDITIONAL USE PERMIT: a permit issued by the Commission and City Council that authorizes the recipient to make conditional use of the property in accordance with the provisions of the provisions of this Zoning Ordinance and any additional conditions placed upon, or required by, said permit.
24. CONDOMINIUM: as defined in the Neb. Rev. Stat. §76-824-894 (1943) (Reissued 1997), the Condominium Law, whereby four or more apartments are separately

offered for sale. Shall mean a multiple dwelling building as defined herein whereby the title to each dwelling unit is held in separate ownership, and the real estate on which the units are located is held in common ownership solely by the owners of the units with each having an undivided interest in the common real estate.

25. **CONFLICTING LAND USE:** the use of property which transfers over neighboring property lines negative economic, or environmental effects, including, but not limiting, noise, vibration, odor, dust, glare, smoke, pollution, water vapor, mismatched land uses, and/or density, height, mass, mismatched layout of adjacent uses, loss of privacy, and unsightly views.
26. **CONSERVATION:** the protection and care that prevent destruction or deterioration of historical or otherwise significant structures, buildings, or natural resources.
27. **CONSERVATION AREA:** environmentally sensitive and valuable lands protected from any activity that would significantly alter their ecological integrity, balance, or character, except in overriding public interest, including but not limiting, wetlands, floodways, flood plains, drainage ways, river, or stream banks, and areas of significant biological productivity or uniqueness.
28. **CONSERVATION EASEMENT:** an easement granting a right or interest in real property that is appropriate to retaining land or water areas predominantly in their natural, scenic, open, or wooded condition and retaining such areas as suitable habitat for fish, plants, or wildlife, or maintaining existing land uses.
29. **CONSTRUCTION:** on-site erection, fabrication, installation, alteration, demolition, or removal of any structure, facility, or addition thereto, including all related activities, but not restricted to, clearing of land, earth moving, blasting, and landscaping.
30. **CONVENIENCE STORE:** a one-story, retail store containing less than 10,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items. It is dependent on, and is designed to attract and accommodate large volumes of stop-and-go traffic.
31. **COUNSELING OR LODGE HOUSE:** A building other than a hotel where, for compensation and by pre-arrangement for definite periods, meals, or lodging and meals, are provided for three (3) or more persons, but not exceeding twenty (20) persons. Individual cooking facilities are not provided.
32. **COUNTY:** Webster County, Nebraska.

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

34. COVERAGE: the percentage of lot covered by buildings and structures.

35. CUL-DE-SAC: a short, public way that has only one outlet for vehicular traffic and terminates in a vehicular turn-around.

2.3.4 D

1. DENSITY: the number of dwelling units per gross acre of land.

2. 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.

3. DEVELOPMENT: any manmade change to improve or unimproved real estate, including but limiting, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations for which necessary permits may be required.

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

5. DISTRICT OR ZONE: sections of zoning area for which this Zoning Ordinance governing the use of land, building height and bulk, size of yards, and intensity of activity are uniform.

6. DOG: any canine specie over twelve (12) months of age.

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

8. DRIVE-IN FACILITY: an establishment where customers can be served without leaving the confinement of their vehicles.

9. DRIVEWAY: any vehicular access to an off-street parking or loading facility.

10. DUPLEX: shall mean the same as “Dwelling, Two (2) Family.”

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

- a. Recreational vehicles, including, but no limiting, boats, campers, travel trailers, and major recreational vehicles, are not considered dwellings, regardless of whether they are used as residences. No such

vehicle shall be used as a residence in any Residential, Commercial, Downtown, or Industrial District in the City of Blue Hill.

12. DWELLING, MANUFACTURED HOME: a factory-built structure which is to be used as a place for human habitation, which is not constructed with or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site, which does not have permanently attached to its body or frame any wheels or axels, and which bears a label certifying that it was built in compliance with standards promulgated by the United States Department of Housing and Urban Development.
13. DWELLING, MOBILE HOME: any prefabricated structure, composed of one or more parts, used for living and sleeping purposes, shipped or moved essentially in a completely constructed condition and mounted on wheels, skids or roller, jacks, blocks, horses, skirting, or a permanent or temporary foundation or any prefabricated structure which has been or reasonably can be equipped with wheels or other devices for transporting the structure from place to place, whether by motive power or other means. The term mobile home shall include trailer home and camper, but the definition shall not apply to any vehicle lawfully operated upon fixed rail.
 - a. Permanently attached: attached to real estate in such a way as to require dismantling, cutting away, unbolting from permanent continuous foundation or structural change in such mobile home in order to relocate it on another site in accordance to manufacturers' recommendations.
 - b. Permanent Foundation: based on which building rests to be constructed from either poured concrete or laid masonry block or brick on a footing to be placed a minimum of 42" below the final ground level.
14. DWELLING, MODULAR: (is considered a conventional type single-family dwelling). Any prefabricated structure, used for dwelling purposes, moved on to a site in an essentially complete constructed condition, in one or more parts, and when completed is a single family unit on a permanent foundation, attached to the foundation with permanent connections. To be a modular home, it shall meet or be equivalent to the construction criteria as defined by the Nebraska State Department of Health and Human Services under the authority granted by Neb. Rev. Stat. §71-1555-1567 (1943) (Reissued 1997), in addition to any amendments thereto; those that do not meet the above criteria shall be considered a mobile home.
15. DWELLING, MULTI-FAMILY: a building or buildings designed and used for occupancy by three (3) or more families, all living independently of each other and having separate kitchen and toilet facilities for each family.
16. DWELLING, SEASONAL: a dwelling designed and used as a temporary residence and occupied less than six (6) months in a year.

17. DWELLING, SINGLE FAMILY: a building having accommodations for or occupied exclusively by one family which meet all of the following standards:
- a. The home shall have no less than eight hundred (800) square feet of floor area, above grade, for single story construction, unless otherwise noted in this Zoning Ordinance.
 - b. The home shall have no less than eighteen (18) foot exterior width.
 - c. The roof shall be pitched with a minimum vertical rise of two and one-half (2 ½) inches for each twelve (12) inches of horizontal run.
 - d. The exterior material shall be of a color, material, and scale comparable with those existing in residential site-built, single family construction.
 - e. The home shall have a non-reflective roof material that is or simulates asphalt or wood shingles, tile, or rock.
 - f. The home shall be placed on a continuous permanent foundation and have wheels, axles, transporting lights, and removable towing apparatus removed.
 - g. The home shall meet and maintain the same standards that are uniformly applied to all single-family dwellings in the zoning districts.
 - h. Permanent foundation: continuous perimeter base on which building rests to be constructed from either poured concrete or laid masonry block or brick on a footing to be placed a minimum of forty-two (42) inches below the final ground level.
18. DWELLING, SINGLE FAMILY (ATTACHED): a one-family dwelling unit that is attached to one additional single-family dwelling. Said dwelling units are separated by an un-pierced common wall through the center of the structure that also sits along the property line separating ownership of the structure.
19. DWELLING, SINGLE FAMILY (DETACHED): a dwelling which is entirely surrounded by open space on the same lot and is detached from another single-family dwelling.
20. DWELLING, TWO (2) FAMILY: a building designed or used exclusively for the occupancy of two (2) families living independently of each other and having a separate kitchen and toilet facilities for each family.
21. DWELLING UNIT: one room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy or lease on a weekly, monthly, or longer basis, and physically separate from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, toilet, and sleeping facilities.

2.3.5 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. **EFFECTIVE DATE:** the date that this Zoning Ordinance shall have been adopted, amended, or the date land areas became subject to the regulations contained in this Zoning Ordinance as a result of such adoption or amendment.
3. **ENCLOSED:** a roofed or covered space fully surrounded by walls.
4. **ENCROACHMENT:** an advancement or intrusion beyond the lines or limits as designated and established by this Zoning Ordinance, and to infringe or trespass into or upon the possession or right of others without permission.
5. **ENLARGEMENT:** the expansion of a building, structure, or use in volume, size, area, height, length, width, depth, capacity, ground coverage, or in number.
6. **EXTERIOR BUILDING COMPONENT:** an essential and visible part of the exterior of a building.
7. **EXTRATERRITORIAL JURISDICTION:** the area beyond the corporate limits, in which the City has been granted the powers by the state to exercise zoning and building regulations and is exercising such powers.

2.3.6 F

1. **FAÇADE:** the exterior wall of a building exposed to public view from the building's exterior.
2. **FACTORY:** a structure or plant within which something is made or manufactured from raw or partly wrought materials into forms suitable for use.
3. **FAMILY:** a person living alone, or any of the following groups living together as a single, nonprofit housekeeping unit and sharing common living, sleeping, cooking, and eating facilities:
 - a. Any number of people related by blood, marriage, adoption, guardianship, or duly-authorized custodial relationship.
 - b. Up to four unrelated persons and any related children.
 - c. A group care home.

The term "family" does not include occupancy of a residence by persons living in fraternities, sororities, clubs or transient, or permanent commercial residential facilities catering to the general public. The term "family" excludes nursing homes and convalescent homes.

4. **FENCE:** an enclosure or barrier, such as wooden posts, wire, iron, etc., used as a boundary, means of protection, privacy screening or confinement, but not including vehicles, machinery, equipment, buildings, or hedges, shrubs, trees, or other natural growth.
5. **FENCE, OPEN:** a fence, including gate, which has, for each one foot (1") wide segment extending over the entire length and height of fence, fifty percent (50%) or

more of the surface or more of the surface area in open spaces which affords direct views through the fence.

6. FENCE, SOLID: any fence which does not qualify as an open fence.
7. FLOOR AREA: whenever the term “floor area” is used in this Zoning Ordinance as a basis for requiring off-street parking for any structure, it shall be assumed that, unless otherwise stated, said floor area applies not only to the ground floor area but also to any additional stories of said structure. All horizontal dimensions shall be taken from the exterior faces of walls.
8. FRONTAGE: that portion of a parcel of property which abuts a dedicated public street or highway.

2.3.7 G

1. GARAGE, PRIVATE: an accessory building designed or used for the storage of motor-driven vehicles owned and used by the occupants of the building to which it is accessory.
2. GARAGE, PUBLIC: any garage other than a private garage.
3. GOVERNING BODY: that body having jurisdiction in the zoning area.
4. GRADE: the horizontal elevation of the finished surface of ground, paving, or sidewalk adjacent to any building line.
 - a. Four buildings having walls facing one street only, the elevation of the sidewalk at the center of the wall facing the street shall be the grade.
 - b. For buildings having walls facing more than one street, the grade shall be the average of the grades of all walls facing each street.
 - c. For buildings having no walls facing a street, the average level of the finished surface of the ground adjacent to the exterior walls of the building shall be the grade.
 - d. Any wall approximately parallel to and not more than five feet (5') from a street line is considered as facing the street.
5. GROUP DAY CARE CENTER: an establishment other than a public or parochial school, which provides day care, play groups, nursery schools, or education for five or more unrelated children.
6. GROUP CARE HOME: a home which is operated under the auspices of an organization which is responsible for providing social services, administration, direction, and control for the home which is designed to provide twenty-four-hour care for individuals in a residential setting.

2.3.8 H

1. HALFWAY HOUSE: a licensed home for individuals on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, living together as a single housekeeping unit, wherein supervision, rehabilitation, and counseling are provided to mainstream residents back into society, enabling them to live independently.
2. HEDGE: a plant or series of plants, shrubs, or other landscape material, so arranged as to form a physical barrier or enclosure.
3. HOME OCCUPATION: a business, profession, or trade conducted for gain or support entirely within a residential building subject to the following use limitations:
 - a. In all residential districts:
 - i. No commodities shall be displayed on the premises.
 - ii. No mechanical or electrical equipment shall be used other than that which is normally used for purely domestic or household purposes.
 - iii. No outdoor storage of materials or equipment used in the home occupation shall be permitted.
 - iv. No alteration of the principal residential building shall be made which changes the character thereof as a residence.
 - v. Employed individuals from outside the immediate family are limited to two (2).
 - vi. No manufacturing or processing of any store whatsoever shall be done, and no stock-in-trade shall be displayed or sold on the premises.
 - b. Particular Home Occupations permitted: customary home occupations include, but are not limited to, the following list of occupations:
 - i. Dressmakers, seamstresses, tailors.
 - ii. Music teachers, provided that instruction shall be limited to five (5) pupils at a time.
 - iii. Dance and drama instructors, provided that instruction shall be limited to not more than ten (10) pupils at a time.
 - iv. Artists, sculptors, authors, and composers.
 - v. Offices for architects, engineers, lawyers, realtors, insurance agents, brokers, and members of similar professions.
 - vi. Ministers, rabbis, and priests.
 - vii. Offices for salespersons, sales representatives, manufacturer's representatives.
 - viii. Home crafts, such as model making, rug weaving, lapidary work, cabinet making, etc., proved that no machinery or equipment shall be used other than that which would customarily be used in connection with the above home crafts when pursued as a hobby or vocation.
 - ix. Day nurseries or babysitters caring for less than five unrelated children.

- x. Barbershops and beauty parlors.
- xi. Services such as small appliance, radio, and T.V. repair.
- c. Particular Home Occupations prohibited: permitted home occupations shall not, under any circumstances, include:
 - i. Funeral homes.
 - ii. Group daycare centers caring for five (5) or more unrelated children unless specifically permitted by the district regulations.
 - iii. Adult Entertainment.
 - iv. Restaurants.
 - v. Small grocery stores.
 - vi. Stables, animal kennels, or hospitals.
 - vii. Tourist homes, unless specifically permitted in the district.
 - viii. Renting of trailers or equipment.
 - ix. Auto and other vehicle repair.

- 4. HOMEOWNERS ASSOCIATION: a private, nonprofit corporation or association of homeowners of properties in a fixed area, established for the purpose of owning, operating, and maintaining various common properties and facilities.
- 5. HOTEL: a building or portion thereof, or a group of buildings, offering transient lodging accommodations on a daily rate to the general public and providing services associated with restaurants, meeting rooms, and recreational facilities. The word “hotel” includes motel, inn, automobile court, motor inn, motor lodge, motor court, tourist court, and motor hotel.

2.3.9 I

- 1. IMPERVIOUS COVERAGE: the total horizontal area of all buildings, roofed, or covered spaces, paved surface areas, walkway, driveways, and any other site improvements that decrease the ability of the surface of the site to absorb water, expressed as a percent of site area. The surface water area of pools is excluded from this definition.
- 2. IMPERVIOUS SURFACE: a surface that has been compacted or covered with a layer of material making the surface highly resistant to infiltration by water, such as rock, gravel, or clay, and conventionally surfaced streets, roots, sidewalks, parking lots, and driveways.
- 3. INCIDENTAL USE: a use which is subordinate to the main use of a premise.
- 4. INDUSTRIAL PARK: a planned, coordinated development of a tract of land with two or more separate industrial buildings. The development is planned, designed, constructed, and managed on an integrated and coordinated basis with an enforceable master plan and/or covenants, conditions, and restrictions with special attention to on-site vehicular circulation, parking, utility needs, building design, and orientation and open space.

5. **INDUSTRY:** the manufacture, fabrication, processing, reduction or destruction of any article, substance, or commodity, or any other treatment thereof in such a manner as to change the form, character, or appearance thereof and including storage elevators, truck storage yards, warehouses, wholesale storage and other similar types of enterprise.
6. **INFILL DEVELOPMENT:** the construction of a building or structure on a vacant parcel located in a predominately build up area.
7. **INFILL SITE:** any vacant lot, parcel, or tract of land within developed areas of the City, where at least eighty percent (80%) of the land within a 300-foot radius of the site has been developed, and where water, sewer, streets, schools, and fire protection have already been constructed or are provided.
8. **INTENSITY:** shall mean the degree to which land is used referring to the levels of concentration or activity in uses ranging from uses of low intensity being agricultural and residential to uses of highest intensity being heavy industrial. High intensity uses are normally uses that generate concentrations of vehicular traffic and daytime population and are less compatible with lower intensive uses.
9. **INTENT AND PURPOSE:** the Commission and Council by the adoption of this Zoning Ordinance, have made a finding that the health, safety, and welfare of the Community will be served by the creation of these districts and by the regulations prescribed therein.

2.3.10 J

1. **JUNK:** any worn-out, cast-off, old, or discarded articles of scrap, wood, plastic, copper, brass, iron, steel, rope, rags, batteries, paper, trash, rubber, debris, waste, dismantled, or wrecked automobiles, or parts thereof, and other old or scrap ferrous or nonferrous material.
2. **JUNK YARD:** any lot, land parcel, building, or structure or part thereof for storage, collection, purchase, sale, salvage, or disposal of machinery, farm machinery, and including motor vehicles, parts and equipment resulting from dismantling or wrecking, or keeping of junk, including scrap metals or other scrap materials, with no burning permitted.

2.3.11 K

1. **KENNEL:** any lot or premises on which three (3) or more dogs, cats, or non-farm/non-domestic or any combination of five (5) or more thereof, at least four (4) months of age, are bred or trained for a fee.

2.3.12 L

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

2. LANDSCAPE: plant materials, topography, and other natural physical elements combined in relation to one another and to man-made structures.
3. LEED: a professional credential that means Leadership in Energy and Environmental Design as administered and regulated by the United States Green Building Council.
4. LIGHT CUT-OFF ANGLE: an angle from vertical, extending downward from a luminaire, which defines the maximum range of incident illumination outward at the ground plane.
5. LOT: a parcel or tract of land which is or may be occupied by a use herein permitted, together with yards, and other open spaces herein required, that has frontage upon a street, and is a part of a recorded subdivision plat or has been recorded prior to the adoption of this Zoning Ordinance, or a parcel of real property delineated on an approved record of survey, lot-split or sub-parceling map as filed in the office of the County Recorder and abutting at least one (1) public street or right-of-way, two (2) thoroughfare easements, or one (1) private road.
6. LOT AREA: the total area, on a horizontal plane, within the lot lines of a lot.
7. LOT CORNER: a lot located at the intersection of two (2) or more streets at an angle of not more than 135 degrees. If the angle is greater than 135 degrees, the lot shall be considered and "Interior Lot." The setbacks for a front yard shall be met on all abutting streets.
8. LOT COVERAGE: the portion of a lot or building site which is occupied by any building or structure, excepting paved areas, walks, and swimming pools, regardless of whether said building or structure is intended for human occupancy or not.
9. LOT DEPTH: the horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.
10. LOT, DOUBLE FRONTAGE: a lot having a frontage on two (2) non-intersecting streets as distinguished from a corner lot.
11. LOT, FRONTAGE: the side of a lot abutting a legally accessible street right-of-way other than an alley or an improved county road. For the purposes of this definition, on corner lots, all sides of a lot adjacent to streets or roads shall be considered frontage.
12. LOT INTERIOR: a lot other than a corner lot.
13. LOT LINE: the property boundary line(s) of record that divides one lot from another 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 which would result in a new definition of the prior defined lot lines

- a. Front line: the lot lines separating the lot and a public or private street right-of-way.
 - i. For an interior lot, the lot line separating the lot from the right-of-way or easement.
 - ii. 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 Building Official, or as may be noted on the final plat.
 - iii. 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 Building Official at the time of application for the original building permit for the lot, or as may be noted on the final plat.
- b. Rear line: the lot which is opposite and most distant from the front line.
- c. Side Line: any lot line that is neither a front or a rear lot line. A side lot line separating a lot from a street, private way or court is a street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

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

15. LOT OF RECORD: a lot held in separate ownership as shown on the records of the County Register of Deeds at the time of the passage of a regulation or regulations establishing the zoning district in which the lot is located.

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

2.3.13 M

1. MAIL ORDER SERVICE: an establishment primarily engaged in the retail sale of products by television, telemarketing, internet, catalog, and mail order. Such a use may include warehousing, shipping, and receiving of merchandise intended for retail sale.
2. MANUFACTURED HOME: a factory-built structure which is to be used as a place for human habitation, which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site, which does

not have permanently attached to its body or frame any wheels or axels, and which bears a label certifying it was built in compliance with National Home Construction and Safety Standards.

3. **MANUFACTURED/MOBILE HOME PARK:** a parcel of land under single ownership that has been planned and improved for the placement of manufactured housing used or to be used for dwelling purposes and where manufactured home spaces are not offered for sale or sold. This does not include sales lots on which new or used manufactured homes are parked for the purposes of storage, inspection, or sale.
4. **MANUFACTURING:** uses primarily engaged in the mechanical or chemical transformation of materials or substances into new products. These uses are usually described as plants, factories, or mills and characteristically use power driven machines and materials handling equipment. Uses engaged in assembling component parts of manufactured products are also considered manufacturing if the new product is neither a structure nor other fixed improvement. Also included is the blending of material such as lubricating oils, plastics, resins, or liquids. Manufacturing production is usually carried on for the wholesale market, for interplant transfer, or to order for industrial users, rather than for direct sale to the domestic consumer.
5. **MAP, OFFICIAL ZONING DISTRICT:** a map delineating the boundaries of zoning districts which, along with the zoning text, is officially adopted by the Blue Hill City Council.
6. **MEDICAL, DENTAL, OR HEALTH CLINIC:** Any building designed for use by one or more persons lawfully engaged in the diagnosis, care and treatment of physical or mental diseases or ailments of human beings; including, but not limited to, doctors of medicine, dentists, chiropractors, osteopaths, optometrists, Portable Storage Containeriatrists, and in which no patients are lodged overnight, but which may include an apothecary.
7. **MIXED USE:** properties where various uses are combined in a single building or on a single site in an integrated development project with significant functional interrelationships and a coherent physical design.
8. **MOBILE HOME:** every transportable or relocated devise of any description originally designed to be mobile and designed for living quarters, including double-wide models, that is eight (8) body feet or more in width and forty (40) body feet or more in length, built on a permanent chassis, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure.

2.3.14 N

1. **NON-CONFORMING BUILDING:** a building or portion thereof which was lawful when established but which does not conform to this Zoning Ordinance or subsequently established zoning or zoning regulations.

2. **NON-CONFORMING STRUCTURE:** A structure which does not comply with the lot size requirements or bulk regulations applicable to new structures in the zoning district in which it is located.
3. **NON-CONFORMING USE:** a use lawful when established but which does not conform to this Zoning Ordinance or subsequently established zoning or zoning regulations.
4. **NUISANCE:** anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses of a reasonable person such as noise, dust, odor, smoke, gas, pollution, congestion, lighting, and litter.
5. **NURSING HOMES OR CONVALESCENT HOMES:** An institution or agency licensed by the State for the reception, Council, care or treatment of three or more unrelated individuals, but not including facilities for the care and treatment of mental illness, alcoholism, or narcotics addiction.

2.3.15 O

1. **OFFICE:** a building or a portion of a building wherein services are performed involving, primarily, administrative, professional, or clerical operations.
2. **OPEN LOTS:** pens or similar concentrated areas, including small shed-type areas or open-front buildings, with dirt, or concrete (or paved or hard) surfaces, wherein animals or poultry are substantially or entirely exposed to the outside environment except for possible small portions affording some protection by windbreak or small shed-type areas.
3. **OPEN SPACE:** a parcel or parcels of land, together with the improvements thereon, primarily set aside for recreational use and enjoyment, exclusive of land areas used for streets, alleys, roads, driveways, parking areas, structures, and buildings.
4. **OUTDOOR STORAGE:** the storage of materials, parts, or products that are related to the primary use of a site for a period exceeding three (3) days.
5. **OUTDOOR STORAGE CONTAINER:** a fully enclosed, detached, and self-supporting structure, by itself incapable of motion or movement. The container must be manufactured/assembled off-site and transportable, by means other than its own, to a location where it is set into place on a graded surface of concrete, asphalt, or approved aggregate material and not upon a foundation or wheels. It shall be made of metal or a similar stable, durable, and acceptable material and shall not include a foundation, plumbing, electricity, or other mechanical systems as part of its assembly or use.

6. **OVERLAY DISTRICT:** a district in which additional requirements act in conjunction with the underlying zoning district. The original zoning district designation does not change.
7. **OWNER:** An individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to seek development of land.

2.3.16 P

1. **PARK:** any public or private land available for recreational, educational, cultural, or aesthetic use.
2. **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.
3. **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.
4. **PAVED:** permanently surfaced with poured concrete, concrete pavers, or asphalt.
5. **PERMANENT FOUNDATION:** a base constructed from either poured concrete or laid masonry, rock or brick and placed on a footing located below ground level to a point below the frost line upon which a building or structure is permanently attached.
6. **PERMANENTLY ATTACHED:** connected to real estate in such a way as to require dismantling, cutting away, or unbolting in order to remove, relocate, or replace.
7. **PERMITTED USE:** any land use allowed without condition within a zoning district.
8. **PERSON:** an individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, City, County, special district or any other group or combination acting as an entity, except that it shall not include Blue Hill, Nebraska.
9. **PLACE:** An open unoccupied space, other than a publicly-dedicated street or alley, permanently reserved as the principal means of access to abutting property.
10. **PLANNED UNIT DEVELOPMENT:** development of land which is under unified control and its 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.

11. PLANNING COMMISSION: the Planning Commission of Blue Hill, Nebraska.
12. PLAT: a map showing the location, boundaries, and legal description of individual properties.
13. PORTABLE STORAGE CONTAINER: a portable storage container designed and intended for the temporary placement upon property for the onsite storage of household or other goods, with a size typically not exceeding 16 ft. x 8ft. x 8 ft.
14. PRINCIPAL BUILDING: a building in which the primary use of the property is conducted. Any building or structure containing a dwelling unit shall be deemed a principal building or structure in all residential zoning districts.
15. PRINCIPAL USE: the primary activity or structure for which a lot is used, as permitted by this zoning ordinance. The definition of principal use includes the components of a principal use. Components of a principal use include, but are not limited to, the following: required landscaping, off-street parking, private access lanes for ingress and egress, and principal structures. This definition shall not limit or expand the definition of accessory use or accessory structure.
16. PROHIBITED USE: any use of land, other than nonconforming, which is not listed as a permitted use or conditional use within a zoning district.
17. PROTECTED ZONE: all lands that fall outside of the buildable areas of a parcel, all areas of a parcel required to remain in open space, and/or all areas required as landscaping strips according to the provisions of this Zoning Ordinance.

2.3.17 Q

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

2.3.18 R

1. RECREATIONAL FACILITY: facilities used by the public for passive and active recreation. This shall include country clubs and athletic clubs, but not facilities accessory to a private residence used only by the owner and guests, nor arenas or stadiums used primarily for spectators to watch athletic events. In addition, recreational facilities shall mean museums, amphitheaters, race tracks, wildlife conservation areas used for public viewing, and theme parks.
2. RECREATIONAL VEHICLE (RV): a vehicular unit less than forty feet (40') in overall length, eight feet (8') in width, or twelve feet (12') in overall height, primarily designed as a temporary living quarters for recreational camping or travel use having either its own power or designed to be mounted on or drawn by a motor vehicle.

Recreational vehicle includes motor home, truck camper, travel trailer, camping trailer, and fifth wheel.

3. RECREATIONAL VEHICLE PARK: a tract of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes by campers, vacationers, or travelers.
4. REDEVELOPMENT: the act of preserving and/or rehabilitating existing buildings. In extreme cases, a building or structure could be demolished for the purposes of a new use or building.
5. REGULATION: a specific requirement set forth by this Zoning Ordinance which must be followed.
6. RESTAURANT: a public eating establishment at which the primary function is the preparation and serving of food primarily to persons seated within the building.
7. REVERSE SPOT ZONING: an arbitrary zoning or rezoning of a small tract of land that is not consistent with the comprehensive land use plan and that uniquely burdens an individual land owner largely to secure some public benefit. Reverse spot zoning usually results from downzoning a tract of land to a less intensive use classification than that imposed on nearby properties.
8. REZONING: an amendment to or change in the zoning regulations either to the text or map or both.
9. RIGHT-OF-WAY: an area or strip of land, either public or private, on which an irrevocable right of passage has been dedicated, recorded, or otherwise legally established for the use of vehicles or pedestrians or both.

2.3.19 S

1. SCREENING: a structure of planting that conceals from view public ways the area behind such structure or planting.
2. SERVICE STATION: a service station shall consist of a building or group of buildings and surfaced area where automotive vehicles may be refueled and serviced, self-service pumps without buildings shall also be included, such service shall not include tire recapping, body repairs or major overhaul.
3. SETBACK: the distance, as required by the minimum setback(s) which establishes the horizontal component(s) of the building envelope.
4. SIGN: any device which shall display or include any letter, word, model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of, an advertisement or announcement which directs attention to an object, product, place, activity, person, institution, organization or business.

5. **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 Zoning Ordinance.
6. **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 requested by the City in order that an informed decision can be made on the associated request.
7. **SITE TRIANGLE:** an area at a street intersection in which nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of two feet (2') and ten feet (10') above the grades of the bottom of the curb of the intersecting streets, measured from the point of intersection of the centerline of the streets, ninety feet (90') in each direction along the centerline of the streets. At the intersection of major or arterial streets, the ninety-foot (90') distance shall be increased to 120 feet.
8. **SHIPPING CONTAINER:** a reusable enclosed or semi-enclosed vessel, cargo container, or truck trailer:
 - a. Originally, specifically, or formerly designed or used for the packing, shipping, movement, or transportation of freight, articles, goods, belongings, or commodities or
 - b. Designed for or capable of being mounted or moved on a railcar, truck, or vessel or
 - c. Designed for or capable of being mounted on a chassis or bogie for movement by truck tractor or similar device.
9. **SPOT ZONING:** an arbitrary zoning or rezoning of a small tract of land that is not consistent with the comprehensive land use plan and primarily promotes the private interest of the owner rather than the general welfare. Spot zoning usually results from an upzoning to a more intensive use classification.
10. **STATE:** the State of Nebraska.
11. **STORAGE:** the keeping, in a roofed or unroofed area, of any goods, junk, material, merchandise, or vehicles on the same tract or premises for more than thirty (30) days.
12. **STORY:** that portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.
13. **STREET:** a public thoroughfare or right-of-way dedicated, deeded, or condemned for use as such, other than an alley, which affords the principal means of access to

abutting property including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare except as excluded in this Zoning Ordinance.

14. STREET, ARTERIAL: a street designed with the primary function of efficient movement of through traffic between and around areas of a City, City, or county with controlled access to abutting property.
15. STREET, COLLECTOR: a street or highway, which is intended to carry traffic from minor streets to major streets. Collector streets are usually the principal entrance streets to residential developments and the streets for circulation within the development.
16. STREET, LOCAL: a street designed for local traffic that provides direct access to abutting residential, commercial, or industrial properties.
17. STRUCTURE: anything constructed or erected, the use of which requires permanent attachment on the ground or attachment to something having a permanent location on the ground, but not including fences or public items such as utility poles, street light fixtures, and street signs.
18. STRUCTURAL ALTERATIONS: any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any complete rebuilding of the roof or the exterior walls. For the purpose of this regulation, the following shall not be considered as structural alterations:
 - a. attachment of a new front where structural supports are not changed.
 - b. addition of fire escapes where structural supports are not changed.
 - c. new windows where lintels and support walls are not materially changed.
 - d. repair or replacement of non-structural members.
19. SUBDIVISION: the division of land, lot, tract, or parcel into two or more lots, parcels, plats, or sites, or other divisions of land for the purpose of sale, lease, offer, or development, whether immediate or future. The term shall also include the division of residential, commercial, industrial, agricultural, or other land whether by deed, metes and bounds description, lease, map, plat, or other instrument.

2.3.20 T

1. TAVERN: an establishment in which the primary function is the public sale and serving of alcoholic beverages for consumption on the premises, including establishments, commonly known as key clubs, which are open, and in which alcoholic beverages are served only to members and their guests.
2. TEMPORARY STRUCTURE: a structure without any foundation or footing and removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

3. TEMPORARY USE: a use intended for limited duration, not to exceed six months, to be located in a zoning district not permitting such use.
4. 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.

2.3.21 U

1. UPZONING: a change in the zoning classification of land to a more intensive or less restrictive district.
2. USE: the conduct of an activity, or the performance of a function or operation, on a site or in a building or facility.
3. UTILITIES: the conduct of an activity, or the performance of a function or operation, on a site or in a building or facility.

2.3.22 V

1. VARIANCE: relief from or variation of the provisions of this Zoning Ordinance, other than use regulations, as applied to a specific piece of property, as distinct from rezoning. A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this Zoning Ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district.
2. VIEW CORRIDOR: the line of sight identified as to height, width, and distance of an observer looking toward an object of significance to the community or the route that directs a viewer's attention.

2.3.23 W

1. WAREHOUSE: a building used primarily for the storage of goods and materials.
2. WATERS OF THE STATE: all waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, wetlands, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water surface or underground, material or artificial, public or private, situated wholly within or bordering upon the state.
3. WETLAND: an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that, under normal circumstances, does support, a prevalence of vegetation typically adapted for life in saturated soiled conditions, commonly known as hydrophytic vegetation.

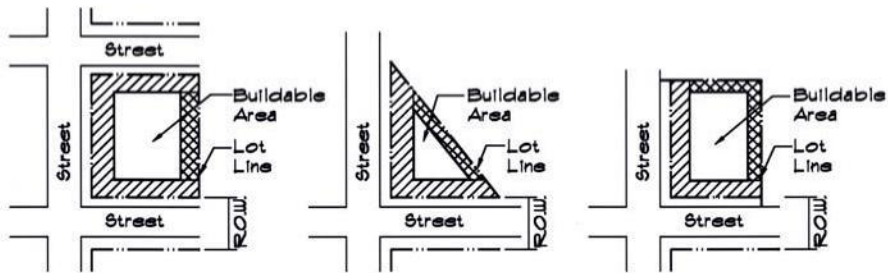
2.3.24 X

2.3.25 Y

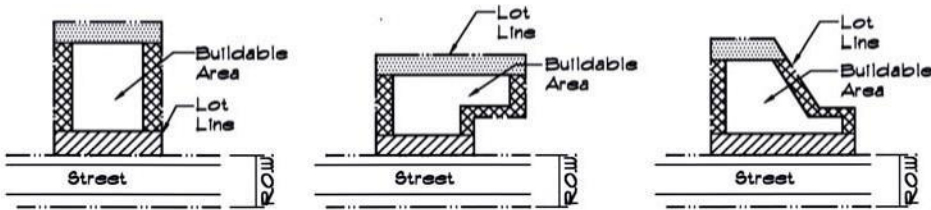
1. YARD: any open space on the same lot with a building or a dwelling group, which open space is unoccupied and unobstructed from the ground upward to the sky, except for building projections or for accessory buildings or structures permitted by this Zoning Ordinance.
2. YARD, FRONT: a space between the front yard setback line and the front lot line or highway setback line, and extending the full width of the lot.
3. YARD, REAR: a space between the rear yard setback line and the rear lot line, extending the full width of the yard.
4. YARD, SIDE: a space extending from the front yard, or from the front lot line where no front yard is required by this Zoning Regulation, to the rear yard, or rear lot line, between a side lot line and the side yard setback line.

2.3.26 Z

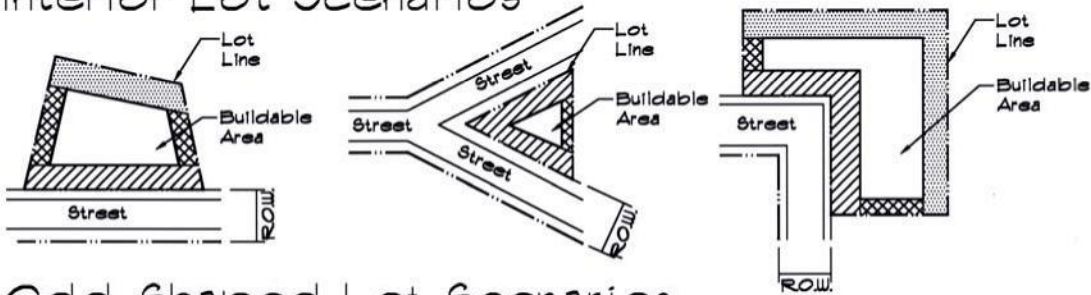
1. ZONE OR DISTRICT: a section of the Zoning Area for which uniform regulations governing the use, height, area, size and intensity of the use of buildings, land, and open spaces about buildings are herein established.
2. ZONED LOT: a parcel of land in single ownership that is of sufficient size to meet minimum zoning requirements for area, coverage, and use, and that can provide such yards and other open spaces as required by this Zoning Ordinance.
3. ZONING ADMINISTRATIVE OFFICER: the person or persons authorized and empowered by the Governing Body having jurisdiction to administer the requirements of this Zoning Ordinance.
4. ZONING REGULATIONS: the term zoning regulations or this or these regulations shall mean the requirements stipulated in the regulations herewith attached.



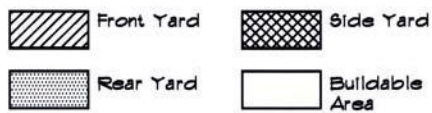
Corner Lot Scenarios



Interior Lot Scenarios



Odd-Shaped Lot Scenarios



Article Three: Zoning Districts and Official Zoning Map

3.1 Purpose

The purpose of Article Three is to present the Zoning District Regulations. Zoning Districts are established in the Zoning Regulations to promote compatible land use patterns and to establish site development regulations appropriate to the purpose and specific nature of each district.

3.2 Districts

In order to regulate and restrict the height, location, size, and type of buildings, structures, and uses allowed on land in the City and the area within one (1) mile of the corporate boundaries, the City is hereby divided into districts.

3.3 Hierarchy

References in this Zoning Ordinance to less intensive or more intensive districts shall be deemed to refer to those districts established in Article Three and shall represent a progression for Agriculture (AG) as the least intensive to Industrial (I) as the most intensive. The Overlay Districts shall not be included in this reference.

3.4 District Boundaries

The boundaries of the districts are hereby established as shown on the maps entitled “Official Zoning Map of the City of Blue Hill, Nebraska.” Said maps and all explanatory matter thereon accompany and are hereby made a part of this Zoning Ordinance as if fully written herein. The Official Zoning District Map shall be identified by the signature of the Council Chairperson and attested by the City Clerk. No changes shall be made on the Zoning District Map except as may be required by amendments to this Zoning Ordinance. Such changes shall be promptly indicated on the Zoning District Map with the Ordinance number, nature of change, and date of change noted on the map as required by Neb. Rev. Stat. §19-904.

3.5 Rules for Interpretation of District Boundaries

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

- 3.5.1 Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.
- 3.5.2 Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- 3.5.3 Boundaries indicated as approximately following City limits shall be construed as following such City limits.
- 3.5.4 Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- 3.5.5 Boundaries indicated as parallel to or extensions of features indicated in subsections (3.5.1) -(3.5.4) above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

- 3.5.6 Where a district boundary line divides a lot which was in single ownership at the time of passage of this Zoning Ordinance, The Council of Zoning Adjustment may permit the extension of the regulations for either portion of the lot not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.

3.6 Provisions for Official Zoning Map

- 3.6.1 The City is hereby divided into districts, as shown on the Official Zoning Map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Zoning Ordinance. The Official Zoning Map shall be identified by the signature of the Council Chairperson, attested by the City Clerk, and bearing the seal of the City under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 3.6 of Ordinance No. **** of the City of Blue Hill, Nebraska," together with the date of the adoption of this Zoning Ordinance.

If, in accordance with the provisions of this Zoning Ordinance, changes are made in the district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the City Council.

- 3.6.2 In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the City Council may, by resolution, adopt a new Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Council Chairperson, attested by the City Clerk, and bearing the seal of City under the following words, "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted **** Ordinance No. ***** of the City of Blue Hill, Nebraska."

Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

3.7 Annexation of Territory

All unimproved or agricultural territory which may hereafter be annexed to the City shall be considered as lying the Agricultural District (AG) until such classification shall be changed as provided by this Zoning Ordinance. Any improved property that is annexed into the City shall be zoned according to the district that most nearly describes either its present use or the proposed use by Blue Hill's Comprehensive Plan. This Zoning Ordinance shall be established by the Planning Commission and City Council at the time of annexation.

3.8 Agricultural District (AG)

Agricultural Districts provide areas for agricultural operations and natural resource industries. These districts are composed mainly of unsubdivided lands that are vacant or are in agricultural use with some dwellings and some accessory uses. AG zoning:

- Protects and preserves valuable agricultural areas.

- Implements agricultural and natural resource protection.
- Establishes performance standards for rural businesses.
- Preserves rural areas.
- Preserves pasture land and agriculture.
- Identifies areas appropriate for agricultural preservation.

The AG District may be used to establish a buffer of low-intensity uses along streams, floodplains, and similar environmentally sensitive areas. The AG District is suitable for areas with large tracts of open space, agricultural areas, woodlands, or fields. The AG District is not suitable for areas with central water and sewer, or where collector or higher-order streets are

| Zoning District | AG |
|--|-----------------|
| Lot size (minimum, square feet) | 43,560 (1 Acre) |
| Density (maximum, dwelling units per gross acre) | 1 |
| Height (maximum, feet) | 35' |
| Stories (maximum) | 2 ½ |
| Street Side Setback (minimum, feet) | 35' |
| Interior Side Setback (minimum, feet) | 15' |
| Rear Setback (minimum, feet) | 10' |
| Lot Coverage (maximum, percent) | |
| – Lot less than 10 acres | 15 |
| – Lot more than 10 acres | 5 |

spaced closer than one (1) mile apart.

3.9 Residential (R)

The Residential District provides space for low and medium density residential development and allow certain public facilities and services which serve the development. They consist of both single and multi-family dwelling units. This allows for the economic use of land while maintaining a safe and attractive residential environment.

| Zoning District | “R” |
|--|-------|
| Lot size (minimum, square feet) | 7,000 |
| Lot width (minimum, feet) | 50' |
| Height (maximum, feet) | 35' |
| Stories (maximum) | 2 ½ |
| Front (Street) setback (minimum, feet) | 25' |
| Maximum front setback (maximum, feet) | 35' |
| *Interior Side setback (minimum, feet) | 10' |
| Interior Rear setback (minimum, feet) | 5' |
| Lot coverage (maximum, percent) | 50' |
| | |

*Interior Side setback-Wherever a lot of record at the time of the passage of this regulation has a width of one hundred (100) feet or less, the interior side yard may be reduced to a width of not less than ten (10) percent of the width of the lot, but in no instance shall it be less than four (4) feet.

3.10 Downtown Mixed Commercial Use (DT)

The Mixed Commercial Use District provides for uses to serve the community needs and personal service requirements of the occupants of nearby residential areas, such as retail, office, amusement, and service uses. These districts may occur along or away from arterial streets and provide convenient accessibility by residential area occupants. The highest density and intensity use is permitted in these districts. In addition, these districts prohibit all exterior storage by a primary use unless a separate Conditional Use Permit is requested for the use and granted by the City.

3.11 General Commercial (GC)

| Zoning District | DT |
|---------------------------------------|------|
| Lot width (minimum, feet) | 22' |
| Height (maximum feet) | 35' |
| Stories | 3 |
| Street Side Setback (minimum, feet) | 0' |
| Interior Side Setback (minimum, feet) | 0' |
| Rear Setback (minimum, feet) | 0' |
| Lot Coverage (maximum, percent) | 100% |

This District promotes a broad range of commercial operations and services and supports economic diversification of the economic base of the community.

* Interior Side Setback: whenever a lot of record at the time of the passage of this regulation has a width of 100 feet or less, the interior side yard may be reduced to a width of not less than ten

| Zoning District | GC |
|---------------------------------------|-------|
| Lot size (minimum, square feet) | 5,000 |
| Lot width (minimum, feet) | 44' |
| Height (maximum feet) | 35' |
| Stories | 3 |
| Street Side Setback (minimum, feet) | 25' |
| Interior Side Setback (minimum, feet) | 10' |
| Rear Setback (minimum, feet) | 5' |
| Lot Coverage (maximum, percent) | 80% |

percent (10%) of the width of the lot, but in no instance shall it be less than four feet (4').

3.12 Light Industrial (LI)

The Light Industrial District provides standards for areas suitable for industrial, commercial, wholesaling, manufacturing, and storage activities, to preserve land for the expansion of the basic economic activities, to avoid incompatible land uses, to serve these areas with adequate transportation facilities, and to prevent or mitigate hazards to adjacent properties.

| Zoning Code | “LI” |
|---------------------------------|-------------|
| Frontage (minimum, feet) | 44’ |
| Lot width (minimum, feet) | 44’ |
| Height (maximum, feet) | 200’ |
| Stories (maximum) | 15 |
| Front setback (minimum, feet) | 25’ |
| Side setback (minimum, feet) | 10’ |
| Rear setback (minimum, feet) | 5’ |
| Lot coverage (maximum, percent) | 70% |

3.13 Planned Unit Development Overlay (PUD)

The Planned Development District is intended to provide flexibility in the planning and construction of development projects by allowing a combination of uses as long as they are developed in accordance with an approved plan that ensures compatibility with existing developments. PUD projects should surpass the quality of development that would have otherwise resulted from the application of conventional zoning districts.

3.12.1 A PUD may include residential, commercial, industrial, and public land uses, subject to the requirements of the underlying zoning district.

3.12.2 A PUD may be established on a site of any size. Setbacks shall be established by the Planned District Site Plan. Lots located on the perimeter of the site shall adhere to the minimum setback requirements on the underlying zoning district unless a lesser setback is approved in the Planned District Site Plan. The maximum height of structures shall adhere to the requirements of the underlying zoning district unless a lesser setback is approved in the Planned District Site Plan.

3.12.3 Applicant must submit a Planned District Application to the Zoning Superintendent. The Planned District application shall include a Development Agreement establishing the development regulations for the property. The Development Agreement must include the following information:

- a. Location and quantities of various land uses.
- b. When applicable, residential densities.
- c. Maximum lot coverage.
- d. Front, side, and rear yard setbacks.
- e. Maximum heights of proposed structures.
- f. Design standards applicable to the project.
- g. Accompanying development plan that communicates development agreement regulations.

3.12.4 The Zoning Superintendent or Building Official shall not issue a building permit or certificate of occupancy within a PUD unless the proposed structure is in compliance with the Approved Development Agreement.

3.12.5 Any modifications to the Development Agreement and accompanying site plan must be submitted to Planning Commission and City Council for approval. The Zoning Superintendent is authorized to approved amendments to an approved development plan only if the changes in alignment and location of structures does not exceed ten (10) feet in any direction.

Article Four: Use Regulation Matrix

| Use/Activity | AG | R | GC | DT | LI |
|---|----|---|----|----|----|
| <i>Residential Buildings</i> | | | | | |
| Single-family detached dwellings | P | P | C | P | C |
| Single-family attached dwellings | — | P | — | P | — |
| Duplex structures | — | P | — | P | — |
| Zero lot line or row houses | — | P | — | P | — |
| Accessory dwelling units | — | P | — | P | — |
| Accessory apartments | — | P | — | P | — |
| Townhouses | — | P | — | P | — |
| Modular home | P | P | C | P | C |
| Mobile Home | C | — | — | — | — |
| Multifamily dwellings | — | P | — | P | — |
| Retirement housing services | C | P | — | P | — |
| Congregate living services | C | P | — | P | — |
| Assisted living services | C | P | — | P | — |
| Life care or continuing care services | C | P | C | P | — |
| Skilled nursing services | C | P | C | P | — |
| Community home | P | P | — | P | — |
| Barracks | — | — | — | — | — |
| College fraternities | — | P | — | P | — |
| Dormitories | — | P | — | P | — |
| Single-room occupancy units | — | — | — | P | — |
| Temporary structures, tents, etc., for shelter | C | C | C | P | — |
| Other structurally converted buildings | — | — | — | P | — |
| <i>Hotels, motels, or other accommodation services</i> | | | | | |
| Bed-and-breakfast inn | C | C | P | P | — |
| Rooming and boarding house | — | C | C | P | — |
| Hotel, motel, or tourist court | — | — | P | P | P |
| <i>Commercial buildings</i> | | | | | |
| Commercial center | C | P | P | P | P |
| Shop or store building with drive-through facility | — | — | P | P | — |
| Adult Establishment | — | — | — | — | C |

| Use/Activity | AG | R | GC | DT | LI |
|---|----|---|----|----|----|
| Restaurant, with incidental consumption of alcoholic beverages | — | — | C | P | P |
| Restaurant, with no consumption of alcoholic beverages permitted | — | — | P | P | P |
| Stand-alone store or shop building | — | — | P | P | — |
| Department store building | — | — | P | P | — |
| Warehouse discount store/superstore | — | — | P | P | — |
| Market shops, including open markets | — | — | P | P | — |
| Gasoline station | — | — | P | — | P |
| Automobile repair and service structures | — | — | C | C | P |
| Car dealer | — | — | — | — | C |
| Bus, truck, mobile home, or large vehicle dealers | — | — | — | — | P |
| Bicycle, motorcycle, all-terrain vehicle dealers | — | — | P | P | — |
| Boat or marine craft dealer | — | — | — | — | — |
| Parts, accessories, or tires | — | — | P | P | — |
| Gasoline service | — | — | P | — | P |
| Lumberyard and building materials | — | — | P | C | P |
| Outdoor resale business | — | — | P | P | P |
| Pawnshops | — | — | P | — | — |
| Beer, wine, and liquor store (off-premises consumption of alcohol) | — | C | P | P | — |
| Shopping center | — | — | P | P | — |
| Convenience stores or centers | — | — | P | P | — |
| Car care center | — | — | — | — | P |
| Car washes | — | — | P | P | P |
| Office or bank building, stand-alone (without drive-through facility) | — | — | P | P | — |
| Office building (with drive-through facility) | — | — | P | P | — |
| Office or store building with residence on top | — | — | P | P | — |
| Office building over storefronts | — | — | P | P | — |

AG = Agriculture; R = Residential; CG = Commercial General; DT = Downtown; LI = Light Industrial;
P = permitted use; C = conditional use permit required; A = accessory uses. A dash ("—") = prohibited uses.

| Use/Activity | AG | R | GC | DT | LI |
|---|----|---|----|----|----|
| Research-and- development services (scientific, medical, and technology) | — | — | P | P | P |
| Car rental and leasing | — | — | — | — | — |
| Leasing trucks, trailers, recreational vehicles, etc. | — | — | — | — | — |
| Services to buildings and dwellings (pest control, janitorial, landscaping, carpet/upholstery cleaning, parking, and crating) | — | — | P | P | P |
| Bars, taverns, and nightclubs | — | C | C | P | — |
| Camps, camping, and related establishments | P | — | P | — | — |
| Tattoo parlors | — | — | P | P | — |
| <i>Industrial buildings and structures</i> | | | | | |
| Light industrial structures and facilities | — | — | — | — | P |
| Loft building | — | — | — | P | P |
| Mill-type factory structures | — | — | — | — | C |
| Manufacturing plants | — | — | — | — | C |
| Industrial parks | — | — | — | — | P |
| Laboratory or specialized industrial facility | — | — | — | P | P |
| Assembly and construction-type plants | — | — | — | — | C |
| Process plants (metals, chemicals, etc.) | — | — | — | — | C |
| Construction-related businesses | — | — | — | — | C |
| Automotive wrecking and graveyards, salvage yards, and junkyards | — | — | — | — | P |
| Demolition business | — | — | — | — | C |
| Recycling business | — | — | — | — | P |
| <i>Warehouse or storage facility</i> | | | | | |
| Mini-warehouse | — | — | P | C | P |
| High-rise mini-warehouse | — | — | — | — | C |
| Warehouse structure | — | — | — | — | C |
| Produce warehouse | — | — | — | — | C |

AG = Agriculture; R = Residential; CG = Commercial General; DT = Downtown; LI = Light Industrial;
P = permitted use; C = conditional use permit required; A = accessory uses. A dash ("—") = prohibited uses.

| Use/Activity | AG | R | GC | DT | LI |
|--|----|---|----|----|----|
| Refrigerated warehouse or cold storage | — | — | — | — | C |
| Large area distribution or transit warehouse | — | — | — | — | C |
| Wholesale trade— durable goods | — | — | — | — | C |
| Wholesale trade— nondurable | — | — | — | — | C |
| Warehouse and storage services | — | — | — | — | C |
| Tank farms | — | — | — | — | C |
| Public assembly structures | | | | | |
| Swimming and Aquatic Structures | P | P | P | P | P |
| Performance theater | — | — | P | P | — |
| Movie theater | — | — | P | P | — |
| Amphitheater | — | — | P | P | — |
| Drive-in theaters | — | — | P | P | — |
| Indoor games facility | — | — | P | P | — |
| Amusement, sports, or recreation establishment (not specifically enumerated) | — | — | P | P | — |
| Amusement or theme | — | — | P | — | — |
| Arcade | — | — | P | P | — |
| Miniature golf establishment | C | — | P | C | P |
| Fitness, recreational sports, gym, or athletic club | — | C | P | P | P |
| Bowling, billiards, pool, etc. | — | — | P | P | — |
| Skating rinks | — | — | P | P | — |
| Sports stadium or arena | — | C | P | P | P |
| Racetrack | — | — | P | — | — |
| Exhibition, convention, or conference structure | — | — | P | P | — |
| Churches, temples, synagogues, mosques, and other religious facilities | P | P | P | P | P |
| Covered or partially covered atriums and public enclosures | — | — | P | P | P |
| Passenger terminal, mixed mode | — | — | P | P | P |
| Active open space/ athletic fields/golf courses | P | P | P | P | P |

AG = Agriculture; R = Residential; CG = Commercial General; DT = Downtown; LI = Light Industrial;
P = permitted use; C = conditional use permit required; A = accessory uses. A dash (“—”) = prohibited uses.

| Use/Activity | AG | R | GC | DT | LI |
|--|----|---|----|----|----|
| Passive open space | P | P | P | P | P |
| <i>Institutional or community facilities</i> | | | | | |
| Hospital building | — | — | P | P | P |
| Medical clinic building | — | — | P | P | P |
| Social assistance, welfare, and charitable services (not otherwise enumerated) | — | — | P | P | — |
| Child and youth services | — | — | P | P | — |
| Day Nursery | P | P | P | P | C |
| Group day care center | C | C | P | P | C |
| Community food services | — | — | P | P | — |
| Emergency and relief services | — | — | P | P | — |
| Other family services | — | — | P | P | — |
| Services for elderly and disabled | — | — | P | P | — |
| Animal hospitals | P | C | P | P | P |
| School or university buildings (privately owned) | — | — | P | P | — |
| Grade school (privately owned) | — | — | P | P | — |
| College or university facility (privately owned) | — | — | P | P | — |
| Trade or specialty school facility (privately owned) | — | — | P | P | — |
| Library building | — | P | P | P | — |
| Museum, exhibition, or similar facility | — | C | P | P | — |
| Exhibitions and art | — | — | P | P | — |
| Planetarium | — | — | P | P | — |
| Aquarium | — | — | P | P | — |
| Outdoor facility, no major structure | — | — | P | P | — |
| Zoological parks | — | — | P | P | — |
| Public safety-related facility | — | — | P | P | — |
| Fire and rescue station | — | — | P | P | — |
| Police station | — | — | P | P | — |

AG = Agriculture; R = Residential; CG = Commercial General; DT = Downtown; LI = Light Industrial;
P = permitted use; C = conditional use permit required; A = accessory uses. A dash ("—") = prohibited uses.

| Use/Activity | AG | R | GC | DT | LI |
|---|----|---|----|----|----|
| Emergency operation center | — | — | P | P | — |
| Correctional or rehabilitation facility | — | — | — | — | C |
| Cemetery, monument, tombstone, or mausoleum | P | C | C | C | C |
| Funeral homes | | | P | P | — |
| Cremation facilities | — | — | — | — | — |
| Public administration | — | — | P | P | P |
| Post offices | — | — | P | P | P |
| Space research and technology | — | — | — | P | P |
| Clubs or lodges | — | C | P | P | — |
| <i>Transportation-related facilities</i> | | | | | |
| Automobile parking facilities | — | — | — | P | — |
| Surface parking, open | — | — | C | P | C |
| Surface parking, covered | — | — | C | C | C |
| Multistoried parking structure with ramps | — | — | C | C | P |
| Underground parking structure with ramps | — | — | C | C | P |
| Rooftop parking facility | — | — | P | P | P |
| Bus terminal | P | P | P | P | P |
| Bus stop shelter | P | P | P | P | P |
| Bus or truck maintenance facility | — | — | — | — | C |
| Truck and freight transportation services | — | — | — | — | C |
| Road, ground passenger, and transit transportation | P | P | P | P | P |
| Local transit systems— includes mixed mode | P | P | P | P | P |
| Local transit systems— commuter | P | P | P | P | P |
| Local transit systems— bus, special needs, and other motor vehicles | P | P | P | P | P |
| Interurban, charter bus, and other similar establishments | P | P | P | P | P |
| Taxi and limousine service | — | — | P | P | P |
| School and employee bus transportation | P | P | P | P | P |
| Towing and other road services | — | — | P | P | P |

AG = Agriculture; R = Residential; CG = Commercial General; DT = Downtown; LI = Light Industrial;
P = permitted use; C = conditional use permit required; A = accessory uses. A dash ("—") = prohibited uses.

| Use/Activity | AG | R | GC | DT | LI |
|---|----|---|----|----|----|
| Space transportation | — | — | — | — | C |
| Pipeline transportation | — | — | — | — | C |
| Postal transportation services | — | — | P | P | P |
| Courier and messenger services | — | — | P | P | P |
| Air and space transportation facility | — | — | — | — | C |
| Airport terminal | — | — | — | — | C |
| Runway | — | — | — | — | C |
| Airport maintenance and hangar facility | — | — | — | — | C |
| Airport control tower | — | — | — | — | C |
| Heliport facility | — | — | — | — | C |
| Glideport, seaport, stolport, ultralight, or balloonport facility | — | — | — | — | C |
| Railroad facility | — | — | — | — | C |
| <i>Utility and other non-building structures</i> | | | | | |
| Utility structures on right-of-way | P | P | P | P | P |
| Water supply-related facility | — | — | — | — | C |
| Water supply pump station | P | P | P | P | P |
| Dam | P | P | P | P | P |
| Levee | P | P | P | P | P |
| Culvert | P | P | P | P | P |
| Water tank (elevated, at grade, underground) | P | P | P | P | P |
| Wells | — | — | — | — | — |
| Water treatment and purification facility | C | — | P | — | P |
| Water reservoir | C | — | P | — | P |
| Irrigation facilities | P | — | — | — | — |
| Wastewater storage or pumping station facility; lift stations | P | P | — | — | P |
| Solid waste landfill facility | P | — | — | — | P |
| Incinerator, composting, or similar facility | — | — | — | — | C |
| Hazardous waste collection | — | — | — | — | C |
| Hazardous waste treatment and disposal | — | — | — | — | C |
| Solid waste collection | — | — | — | — | C |

AG = Agriculture; R = Residential; GC = Commercial General; DT = Downtown; LI = Light Industrial;
P = permitted use; C = conditional use permit required; A = accessory uses. A dash ("—") = prohibited uses.

| Use/Activity | AG | R | GC | DT | LI |
|--|----|---|----|----|----|
| Solid waste combustor or incinerator | — | — | — | — | C |
| Waste treatment and disposal | — | — | — | — | C |
| Septic tank and related services | — | C | — | — | — |
| Hazardous waste storage facility | — | — | — | — | C |
| Sewer treatment plant | — | — | — | — | — |
| Gas or electric power generation facility | P | P | C | C | C |
| Communication towers | C | — | C | — | P |
| Radio, television, or wireless transmitter | P | P | P | P | P |
| Weather stations or transmitters | C | — | — | — | — |
| Environmental monitoring station (air, soil, etc.) | — | — | — | — | C |
| Sign | A | A | A | A | A |
| Highway rest stops and welcome centers | P | P | P | P | P |
| Roadside stand, pushcarts, etc. | P | P | P | P | P |
| Kiosks | P | P | P | P | P |
| Playground equipment | P | P | P | P | P |
| Fountain, sculpture, or other aesthetic structure | P | P | P | P | P |
| Outdoor stage, bandstand, or similar structure | P | — | P | P | P |
| <i>Agriculture, forestry, fishing, and hunting</i> | | | | | |
| Grain silos and other storage structure for grains and agricultural products | — | — | — | — | P |
| Animal production, including slaughter | P | — | — | — | — |
| Livestock pens or hog houses | P | — | — | — | — |

AG = Agriculture; R = Residential; CG = Commercial General; DT = Downtown; LI = Light Industrial;
P = permitted use; C = conditional use permit required; A = accessory uses. A dash ("—") = prohibited uses.

| Use/Activity | AG | R | GC | DT | LI |
|--|----|---|----|----|----|
| Hatcheries and poultry houses | P | — | — | — | — |
| Greenhouses/nurseries | P | C | — | — | — |
| Stables and other equine-related facilities | P | — | — | — | — |
| Kennels and other canine-related facilities | P | C | — | — | — |
| Apiary and other related structures | P | P | P | P | P |
| Crop production | P | — | — | — | — |
| Forestry and logging | P | — | — | — | — |
| Fishing, hunting, and trapping, including game preserves and | P | — | — | — | — |
| Support functions for agriculture and forestry | P | — | P | P | P |
| <i>Mining and extraction establishments</i> | | | | | |
| Oil and natural gas | C | — | — | — | — |
| Metals (iron, copper, etc.) | C | — | — | — | — |
| Coal | C | — | — | — | — |
| Nonmetallic mining | C | — | — | — | — |
| Quarrying and stone cutting | C | — | — | — | — |
| <i>*Accessory Uses</i> | | | | | |
| Detached garages | A | A | A | A | A |
| Carports | A | A | A | A | A |
| Fences | P | P | P | P | P |

AG = Agriculture; R = Residential; CG = Commercial General; DT = Downtown; LI = Light Industrial;
P = permitted use; C = conditional use permit required; A = accessory uses. A dash ("—") = prohibited uses.

*Accessory Uses: Refer to Supplemental Regulations for design guidelines

Article Five: Supplemental Provisions

5.1 Purpose

The Supplemental Provisions 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 Zoning Ordinance. The regulations contained in this Article pertain both to uses allowed by right within various zoning districts and to uses that require approval as Special Uses by the Council of Adjustment. Nothing contained in this section shall limit the right of the Council of Adjustment to impose additional conditions on developments seeking Special Use approval.

5.2 Lot Requirements

Every building hereafter erected, reconstructed, converted, moved or structurally altered shall be located on a lot or lot of record and in no case shall there be more than one (1) principal building on a lot unless otherwise provided.

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

- a Institutional buildings
- b Public or semi-public buildings
- c Multiple-family dwellings
- d Commercial or industrial buildings
- e Home for the aged
- f Agricultural buildings

5.3 Reductions in Lot Area Prohibited

No lot, even though it may consist of one (1) or more adjacent lots of record, shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of this Zoning Ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

5.4 Through Lots

Through Lots shall follow the following criteria:

5.4.1 Where a Through Lot abuts a major thoroughfare and access is made from the other frontage street and access along said thoroughfare is restricted, the Rear Yard setback for fences and screening devices shall be zero feet. The Rear Yard setback for accessory buildings shall follow the prescribed setback within the zoning district.

5.4.2 Where a Through Lot is part of a triple frontage lot and abuts a major thoroughfare, the Rear Yard shall meet the standards of 5.4.1, while the other two frontages shall be treated as a Corner Lot with a Front Yard setback and a Street Side Yard setback.

5.4.3 Where a Through Lot occurs, other than along a major thoroughfare, the following shall apply:

- a. Where all principal structures in the development face the same frontage, then the Rear Yard setback for fences and screening shall be zero feet and all accessory buildings shall meet the prescribed

setback within the zoning district. This shall apply similarly at triple frontage lots, provided the remaining two frontages are treated like a typical Corner Lot.

- b. Where principal structures face different directions along both frontages, the Rear Yard setback for fences and screening shall be the same as any prescribed Rear Yard setback within the zoning district. This shall apply similarly at triple frontage lots, provided the remaining two frontages are treated like a typical Corner Lot. All accessory buildings in this condition, shall comply with the minimum Rear Yard setbacks rather than the reduced setback allowed for accessory buildings

5.5 Obstructions to Vision at Street Intersections Prohibited

A corner lot, within the area formed by the center line of streets at a distance of sixty feet (60') from their intersections, there shall be no obstruction to vision between a height of two and one-half feet (2 ½') and a height of ten feet (10') above the grades of the bottom of the curb of the intersecting streets, measured from the point of intersection of the centerline of the streets. At the intersection of major or arterial streets, the 60-foot distance shall be increased to ninety feet (90') for each arterial leg of the intersection. The requirements of this section shall not be deemed to prohibit any necessary retaining wall.

5.6 Yard Requirements

- 5.5.1 Yard requirements shall be set forth under the Schedule of Lot, Yard, and Bulk Requirements for each zoning district. Front, side and rear yards shall be provided in accordance with the regulations hereinafter indicated and shall be unobstructed from the ground level to the sky, except as herein permitted.
- 5.5.2 All accessory buildings that are attached to principal buildings (e.g., attached garages) shall comply with the yard requirements of the principal building, unless otherwise specified.
- 5.5.3 The City may permit a variation in front yard setbacks to allow new or relocated structures to conform to the average existing setback provided that 1.) more than thirty percent (30%) of the frontage on one side of a street between intersecting streets is occupied by structures on the effective date of this Zoning Ordinance, and 2.) a minority of such structures have observed or conformed to an average setback line.

5.7 Permitted Obstructions in Required Yards

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

- 5.7.1 All Yards: Steps and accessibility ramps used for wheelchair and other assisting devices which are four feet (4') or less above grade which are necessary for access to a permitted building or for access to a lot from a street or alley; chimneys projecting twenty-four inches (24") or less into the yard; recreational and laundry-drying equipment; approved freestanding signs; arbors and trellises; flag poles; window unit air conditioners projecting not more than eighteen inches (18") into the required yard; and fences or walls subject to applicable height restrictions are permitted in all yards.

5.7.2 Front Yards: Bay windows projecting three feet (3') or less into the yard are permitted.

5.7.3 The required front yard shall be provided on each street, unless otherwise provided.

5.7.4 Building Groupings: For the purpose of the side yard regulation a group of business or industrial buildings separated by a common party wall shall be considered as one (1) building occupying one (1) lot.

5.8 Fences

No fence shall be constructed within the zoning jurisdiction of the City of Blue Hill unless a permit therefore is approved and issued by the Zoning Administrator and is constructed in conformance with the following requirements:

5.8.1 The height limitation for fences shall be six feet (6') above ground level except as provided herein.

- a. A fence constructed within a front yard of a residential lot and vegetation used as a barrier, screen, or fence along and parallel to the front line of a residential lot, shall not exceed four feet (4') in height.
- b. Where it is demonstrated that for security purposes the perimeter fencing around a plant or building located in an area zoned as an Industrial District must be higher than six feet (6') in height may be approved through a Conditional Use Permit.
- c. Fences constructed along and parallel to lot lines separating a residential lot from property located in a Commercial or Industrial District shall not exceed eight feet (8') in height.
- d. Fences constructed along and parallel to rear and side lot lines adjoining arterial streets, as designated by the Nebraska Department of Roads, shall not exceed eight feet (8') in height.

5.8.2 Fences located within a front or side yard of a residential lot must qualify within the definition of an open fence, except that solid fences may be constructed along a side lot line parallel and adjacent to the lot line that is adjacent to a Commercial District or an Industrial District. A solid fence may be constructed in a side yard parallel and adjacent to the lot line that is adjacent to a street.

5.8.3 No fence or vegetation shall be situated or constructed in such a way as to obstruct the vehicular traffic or otherwise create a traffic safety hazard.

5.8.4 All supporting posts for fence construction shall be set in concrete except when used in conjunction with agricultural related activities.

5.8.5 All fences shall be maintained in good repair.

- 5.8.6 All fences shall be located inside the boundaries of the property upon which constructed except where two (2) adjacent property owners pursuant to written agreement filed with the City agree to build one (1) fence on the common lot line of adjacent side yards or back yards.
- 5.8.7 No electric fence shall be constructed or maintained within the City of Blue Hill or within its extraterritorial zoning jurisdiction except in AG Agriculture District as hereinafter provided. An owner or lessee of such property may, upon application to the City and approval by the Zoning Administrator, maintain electrified fencing provided same shall not be energized to the extent that it is capable of causing bodily harm to persons, be they children or adults, or to animals. Before the Zoning Administrator shall approve any electrified fencing, he shall determine that non-electrified fencing will not adequately protect the owner's property and the owner's application for approval of electrified fencing shall set forth in detail the reasons why non-electrified fencing will not adequately protect his property.
- 5.8.8 The barbed wire fences, which include in its materials barbs, blades, razors, or other features specifically designed to injure or abrade an individual or animal who attempts to negotiate the fence, is prohibited within the corporate boundaries of the City of Blue Hill.
- 5.8.9 The finished surface of all fences shall face toward adjoining property or street frontage. However, in the case of two (2) or more property owners wishing to share a common fence line between their properties, said property owners shall jointly determine upon which side of the common fence line the finished face of the fence shall be placed. Such determination shall be consistent for the entire length of the common fence line.
- 5.8.10 Any existing fence constructed pursuant to a permit issued and approved by the City of Blue Hill which was in conformity with the prior to the provisions of this Zoning Ordinance may remain without change in accordance with this section notwithstanding same may be in conflict with one (1) or more provisions of this section as amended; provided, however, and replacement or change of said existing fence or addition of a new fence, must hereby meet the requirements of this section as amended hereby.

5.9 Drainage

No building, structure, or use shall be erected on any land, and no change shall be made in the existing contours of any land, including any change in the course, width, or elevation of any natural or other drainage channel, that will obstruct, interfere with, or substantially change the drainage from such land to the detriment of neighboring lands. Anyone desiring to build or otherwise change the existing drainage situation shall be responsible for providing to the City or their designated agent with data indicating that such changes will not be a detriment to the neighboring lands.

5.10 Accessory Buildings and Uses

- 5.10.1 No accessory building shall be constructed upon a parcel for more than twelve (12) months prior to beginning construction of the principal building. No accessory building shall be used for more than six (6) months unless the main building on the lot is also being used or unless the main building is under construction; however, in no event shall such building be used as a dwelling unless a certificate of occupancy shall have been issued for such use. A conditional use permit may be sought from the City Council to deviate from this requirement and build an accessory building on a lot without a principal building.
- 5.10.2 No detached accessory building or structure shall exceed the maximum permitted height of the principal building or structure.
- 5.10.3 No accessory building shall be erected in or encroach upon the required side yard on a corner lot or the front yard of a double frontage lot.
- 5.10.4 Detached accessory buildings or structures shall be located no closer to any other accessory or principal building as provided in the local building code and setbacks as provided.
- 5.10.5 All accessory buildings shall be to the side or rear of the principal structure unless otherwise specified.
- 5.10.6 Garages and outbuildings in Residential Districts for storage uses and other structures customary and appurtenant to the permitted uses and detached accessory garages shall be constructed of materials customarily used in residential construction. Portable storage containers, shipping containers, truck trailers, and other similar storage structures are not permitted in any residential area, unless used for a temporary manor, not to exceed seven (7) consecutive days, unless allowed by the City Superintendent.
- 5.10.7 No parcel shall have more than three (3) accessory buildings.

| Size (sf) | Permit | Front Yard | Interior Side Yard | Street Side Yard | Rear Yard | Separation Between Buildings | Height of Building |
|---------------|--------|---------------|---|------------------|-------------------------------------|------------------------------|--------------------|
| Less than 120 | No | Not Permitted | 3' | 25' | 3' | *10' | 15' to peak |
| 120 to 720 | Yes | 25' | 3' | 25' | 3' | *10' | 15' to peak |
| 720 to 1200 | Yes | 25' | Greater of: 7' OR 10% of lot width up to 15' | 25' | 5' with no alley; 10' with alley | 10' | 20' to peak |

5.11 Nonconforming, General Intent

It is the intent of this Zoning Ordinance to permit lawful non-conformities to continue until they are removed, but not encourage their survival. Such uses are declared by this Zoning

Ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this Zoning Ordinance that non-conformities shall not be enlarged upon, expanded or extended nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district except as may be authorized in this title.

5.12 Nonconforming Lots of Record

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provision of this Zoning Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Zoning Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both that are generally applicable in the district provided that the yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located; *that such lot has been owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size and width at such location would have been lawful*; and has remained in separate and individual ownership from adjoining lots or tracts of land continuously during the entire period in which this or previous ordinance would have prohibited creation of such lot. Variance of area, width and yard requirements shall be obtained only through action of the Council of Adjustment.

5.13 Nonconforming Structures

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

5.13.2 Enlargement, Repair, Alterations: Any such structure described in Section 5.13.1 may be enlarged, maintained, repaired or remodeled, so long as no such enlargement, maintenance, repair or remodeling shall either create any additional nonconformity or increase the degree of existing nonconformity of all or any part of such structure, except that as to structures located on a lot that does not comply with the applicable lot size requirements, the side yard requirements shall be in conformance with this section, and unless otherwise permitted by or as specified in the Residential District. All enlargements shall meet all existing required setbacks unless provided elsewhere in this Zoning Ordinance.

5.13.3 Damage or Destruction: In the event that any structure described in Section 5.13.1 is damaged or destroyed, by any means, to the extent of more than fifty percent (50%) of its structural value, such structure shall not be restored unless it shall thereafter conform to the regulations for the zoning district in which it is located; provided that structures located on a lot that does not comply with the applicable lot size requirements in Chapter Three, shall not have a side yard of less than five feet (5'). When a structure is damaged to the extent of less than fifty percent (50%) of its structural value, no repairs or restoration shall be made unless a building permit is obtained and restoration is actually begun within one (1) year after the date of such partial destruction and may be extended six (6) months upon an approved building Permit extension request.

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

5.14 Nonconforming Uses

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

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

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

- a. No existing structure devoted to a use not permitted by this Zoning Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to use permitted in the district in which it is located.
- b. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Zoning Ordinance but no such use shall be extended to occupy any land outside such building.
- c. If no structural alterations are made, any nonconforming use of a structure or structures and premises may be changed to another nonconforming use provided that the Planning Commission and City Council, after each has completed a Public Hearing as per State Statute, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more

appropriate to the district than the existing nonconforming use. In permitting such change, the Planning Commission and/or City Council may require appropriate conditions and safeguard in accord with the provisions of this Zoning Ordinance.

- d. Any structure, or structure and land in combination, in any or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located and the nonconforming use may not thereafter be resumed.
- e. When a nonconforming use of a structure or structure and premises in combination is discontinued or abandoned for twelve (12) consecutive months, the structure or structure and premises in combination shall not thereafter be used except in conformance with the regulations of the district in which it is located.
- f. Where nonconforming use status is applied to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming statutes of the land.

5.15 Repairs and Maintenance

On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing provided that the cubic content of the building as it existed at the time of passage of amendment of this Zoning Ordinance shall not be increased. Nothing in this Zoning Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

5.16 Uses Under Special Use Permits Not Nonconforming Uses

Any use for which a special permit is issued as provided in this Zoning Ordinance shall not be deemed a nonconforming use, but shall without further action be deemed a conforming use in such district.

5.17 Fees

All fees for any zoning or subdivision related action shall be required prior to the issuance or investigation of any said permit request. Fees shall be a part of the Master Fee Schedule adopted by the City Council by separate Ordinance.

5.18 Sign Regulations

5.18.1 Purpose: The purpose of these sign regulations are: to encourage the effective use of signs as a means of communication in the City; to maintain and enhance the aesthetic environment and the City's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign regulations. These sign regulations are adopted under the

zoning authority of the City in furtherance of the more general purposes set forth in the zoning ordinance.

5.18.2 Applicability: A sign may be erected, placed, established, painted, created, or maintained within the City and the City's extraterritorial zoning jurisdiction only in conformance with the standards, procedures, exemptions and other requirements of these sign regulations.

5.18.3 Computations

- a. *Computation of Area of Individual Signs:* The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly identical to the display itself.
- b. *Computation of Area of Multi-Faced Signs:* The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of one of the faces.
- c. *Computation of Height:* The height of a sign shall be computed as the distance from the grade at the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be from finished grade. Any berms shall be construed to be a part of the sign base and added to the overall height of the sign

5.18.4 Compliance

Each sign or part of a sign erected within the zoning jurisdiction of the City of Blue Hill must comply with the provisions of this Article and of other relevant provisions of the City of Blue Hill's Municipal Code.

5.18.5 Prohibited Signs

The following signs are prohibited in all zoning districts:

- a. Signs painted on or attached to rocks, trees, or other natural objects.

- b. 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.
- c. Signs on or overhanging public property or public right-of-way, unless specifically authorized by the appropriate public agency.
- d. Signs which create a safety hazard by obstructing the clear view of pedestrians or vehicles, or which obscure official signs or signals.
- e. Any abandoned sign must be removed within six (6) months of date of abandonment.
- f. Portable signs, including signs painted, mounted, or printed on parked vehicles and trailers, except as provided below.
- g. Signs that are not clean or in substantial good repair, or are not affixed to a sound structure.
- h. Signs advertising activities that are illegal under Federal, state, or local laws and regulations.

5.18.6 Exempt Signs

The following signs are permitted in any zoning district and are exempt from other provisions of these regulations, provided such signs are not located in the designated sight triangle:

- a. Bulletin Boards for religious assembly or school uses, provided that they have a maximum sign area of 20 square feet (20') and are not located in a required sign setback.
- b. Real estate signs.
- c. Official signs authorized by a government or governmental subdivision which give traffic, directional, or warning information.
- d. Seasonal decorations for display on private or public property.
- e. On-premise construction signs.
- f. 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 and is not located within the designated sight triangle.
- g. Works of graphic art painted or applied to building walls which contain no advertising or business identification messages.
- h. Residential signs under two square feet (2') in size.

- i. Neighborhood or subdivision identification signs under fifty square feet (50').
- j. Street numbers.
- k. Signs which 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.

5.18.7 Bufferyards

- a. No sign other than on-premise directional signs shall be placed within any required bufferyard, except when the bufferyard is adjacent to a street.

| <i>Sign Types</i> | <i>AG</i> | <i>LDR</i> | <i>HDR</i> | <i>C</i> | <i>TC</i> | <i>LI</i> | <i>HI</i> |
|-------------------------|-----------|------------|------------|----------|-----------|-----------|-----------|
| <i>Detached Signs</i> | | | | | | | |
| <i>Residential</i> | P | P | P | P | N | N | N |
| <i>Premise</i> | P | P(C) | P (C) | P | P | P | P |
| <i>Identification</i> | | | | | | | |
| <i>Directional</i> | P(C) | P(C) | P(C) | P | P | P | P |
| <i>Ground</i> | P | P(C) | P | P | P | P | P |
| <i>Pole</i> | N | N | N | P | P | P | P |
| <i>Attached Signs</i> | | | | | | | |
| <i>Anning</i> | N | N | N | P | P | P | P |
| <i>Banner</i> | N | N | N | P | P | P | P |
| <i>Building Marker</i> | P | P | P | P | P | P | P |
| <i>Canopy</i> | N | N | N | P | P | P | P |
| <i>Premise</i> | P | P(C) | P | P | P | P | P |
| <i>Identification</i> | | | | | | | |
| <i>Incidental</i> | P(C) | P(C) | P | P | P | P | P |
| <i>Marquee</i> | N | N | N | P | P | P | P |
| <i>Projecting</i> | N | N | N | P | P | P | P |
| <i>Roof, Integral</i> | N | N | N | N | N | N | N |
| <i>Roof, Above Peak</i> | N | N | N | N | N | N | N |
| <i>Wall</i> | P | P | P | P | P | P | P |
| <i>Window</i> | P | P | P | P | P | P | P |
| <i>Miscellaneous</i> | | | | | | | |
| <i>Flag Sign</i> | N | N | N | P | P | P | P |

5.19 Signage Design Elements

5.19.1 Illumination

Lighting, when installed, must be positioned in such a manner that light is not directed onto an adjoining property or onto a public street or highway.

5.19.2 Marquees and Marquee Signs

Signs placed on, attached to, or constructed on a marquee are subject to the maximum projection and clearance regulations of projecting signs.

5.19.3 Banners

Banners and Flags displaying advertising, other than for Federal, State, Local, Civic and Institutional uses, shall be considered signs. A banner sign projecting from a building may not exceed the wall height of the building. Maximum projection for any banner is five feet with a minimum clearance of ten feet. Maximum size of a banner is the lesser of twice the permitted size of a projecting sign or 120 square feet.

5.19.4 Clocks

For the purposes of this section, clocks are not considered a moving sign.

5.20 Other Sign Provisions

5.20.1 Method and Standard of Measurement

- a. Maximum permitted sign area for a premises is set forth as a numerical limit or as a function of the frontage of the premises on a street or private way. For properties having one sign with frontage on more than one street or private way, the total frontage shall be calculated as the longest frontage plus one-half the length of all additional frontages.
- b. Sign area includes the entire area within the perimeter enclosing the extreme limits of the sign, excluding any structure essential for support or service of the sign, or architectural elements of the building. The area of double-faced signs is calculated on the largest face only. The sign area for ground signs, monument signs, and architectural sign bands is calculated as the area enclosing the extreme limits of the copy only. In the case of individual letters mounted to a wall, only the total area of the letters themselves is included within the sign area.
- c. The height of a sign is measured from the average grade level below the sign to the topmost point of the sign or sign structure.
- d. The setback of a sign is measured from the property line to the supporting frame, mast, pole or base of the sign.

5.20.2 General Permit Procedures

- a. Any installation, modification, or expansion of any sign that is not exempt from the provisions of this Article shall be subject to the following permit procedure prior to installation.
- b. The owner of a property containing signs requiring a permit under this Zoning Ordinance shall at all times maintain in force a sign permit for such property. Sign permits shall be issued for individual

zoned lots. A sign permit may be revoked if the sign is not maintained in good condition.

- c. All applications for sign permits shall be submitted to the City in accordance with application specifications established by the City.
- d. Each application for a sign permit shall be accompanied by any applicable fees, which shall be established by the City Council.
- e. Within ten (10) working days of the submission of a complete application for a sign permit, the Building Inspector shall either issue the sign permit, if the sign conforms to the provisions of this Article or reject the sign permit if the sign(s) that is the subject of the application fails in any way to conform with the requirements of this Article.
- f. If a sign is not constructed in accordance with an approved permit within six months of the date of approval, such permit shall lapse.
- g. A current and valid sign permit shall be freely assignable to a successor as owner of the property or holder of a business license for the same premises.

5.20.3 Nonconforming Signs

All permanent signs in place and lawfully established on the effective date of this Zoning Ordinance shall be considered as legal nonconforming signs. The copy of such a sign may be changed from time to time, provided that the sign area shall not be enlarged beyond the sign area in existence on the effective date. Any nonconforming sign which presently is or becomes structurally damaged or deteriorated, or is altered by more than fifty percent (50%) of its replacement cost, shall be either removed or altered so as to comply with this Article.

5.20.4 Discontinuance of Nonconforming Signs

Within any zoning district, all on-premises signage must comply fully with the provisions of this Zoning Ordinance, unless otherwise provided, within fifteen years of the effective date of this Zoning Ordinance.

5.21 Off-street Parking, Shared Parking Requirements

The regulations establish standard for the functional design of parking facilities. These regulations are intended to accommodate vehicles in a functionally satisfactory manner and to minimize external effects on neighboring properties. No building shall be erected, enlarged, or changed in use unless there is provided on the lot or tract of land space for the parking of automobiles or trucks in accordance with the following minimum requirements:

| | | |
|--|-------------|-------------|
| | Stall Depth | Aisle Width |
|--|-------------|-------------|

| Parking Angle (Degrees) | Car-to-Wall Stalls | Interlocking Stalls | One-Way Operation | Two-Way Operation |
|-------------------------|--------------------|---------------------|-------------------|-------------------|
| 30 | 17 | 13 | 12 | 19 |
| 45 | 19 | 16 | 12 | 19 |
| 60 | 20 | 18 | 16 | 20 |
| 75 | 20 | 19 | 22 | 22 |
| 90 | 18 | 18 | 25 | 25 |

| Uses | Parking Requirements | Loading Requirements |
|--|---|-----------------------|
| Adult entertainment establishments | one space per 2 persons on licensed capacity | --- |
| Bowling Alleys | Four spaces per alley | One space |
| Churches, Synagogues, and Temples | One space per 4 seats in main worship area | - |
| Clubs including fraternal organizations | One space per 500 sf gfa | - |
| College/University | One space per every two students of occupancy plus one per employee | Two per structure |
| <i>Commercial Uses</i> | | |
| Agricultural sales/service | one space per 500 sf gfa | One space |
| Automotive rentals/sales | one space per 500 sf gfa | One space |
| Automotive servicing | Three spaces per retail stall | - |
| Bars, Taverns, Nightclubs | Parking equal to 30% of licensed capacity | Two per establishment |
| Body Repair | Four per repair stall | - |
| Equipment rental/sales | One space per 500 sf gfa | One space |
| Campground | one per camping unit | - |
| Commercial recreation | One space per 4 persons of licensed capacity | One per establishment |
| Communication Sales/Service | One space per 500 sf gfa | One space |
| Construction sales/service | One space per 500 sf gfa | One space |
| Food Sales (limited) | One space per 300 sf gfa | one space |
| Food sales (general) | One space per 200 sf gfa | two spaces |
| General Retail sales establishments | One space per 200 sf gfa | One space |
| Laundry services | One space per 200 sf gfa | - |
| Restaurants with drive-thru | One space per 150 sf gfa | One space |

| | | |
|---|--|------------------------------------|
| Restaurants (general) | One space per 150 sf gfa | two spaces |
| Convalescent and nursing home services | One space per 3 beds plus 1 per employee on the largest shift | Two per structure |
| Day Care | One space per employee plus 1 space or lading stall per each 10 persons of licensed capacity | - |
| Education Facilities, Primary facilities | Two spaces per classroom | Two spaces per structure |
| Education Facilities, Secondary facilities | 8 spaces per classroom plus 1 space per employee on largest shift | Two spaces per structure |
| Funeral homes and chapels | 8 spaces per reposing room | 2 spaces per establishment |
| Group care facility | 1 space per 4 persons of licensed capacity | 2 spaces per structure |
| Group home | One space per 4 persons of licensed capacity | 2 spaces per structure |
| Guidance Services | One space per 300 sf gfa | - |
| Hospitals | One and one-half spaces per 2 licensed beds; plus, .75 times the maximum employees during the largest shift | Three spaces per structure |
| Hotels and motels | One space per rental unit | One space per rental establishment |
| <i>Housing</i> | | |
| Single -Family | 2 spaces per dwelling | ~ |
| Assisted-living facilities | One space per dwelling unit plus 1 spacer per employee on the largest shift | One per structure |
| Duplex | Two spaces per dwelling | - |
| Multi-family/Apartments | One space per sleeping units - spaces to be sited in the general proximity of where the sleeping units are located, plus, one additional space per apartment (for one and two sleeping units) and 1.5 spaces per apartment (for 3 sleeping units) to accommodate guest parking. Note: this does not include garages. | - |
| Industrial | .75 times the maximum number of employees during the largest shift | Two spaces per establishment |
| Libraries | One space per 500 sf gfa | One per structure |

| | | |
|--|---|------------------------------|
| Counseling Houses/ Bed and breakfasts | One space per rental unit | - |
| Medical Clinics | Five spaces per staff doctor, dentist, or chiropractor | - |
| Mobile Home Park | Two per dwelling unit | - |
| Offices and Office Buildings | One space per 200 sf gfa | - |
| Roadside stands | Four spaces per establishment | - |
| Service Oriented Establishments | One space per 200 sf gfa | One per establishment |
| Theaters, Auditoriums, and Places of Assembly | One space per four persons of licensed capacity | One space per establishment |
| Veterinary Establishments | Three spaces per staff doctor | - |
| Wholesaling/ Distribution Operations | One space per two employees on the largest shift | Two spaces per establishment |

5.22 Off-street Parking, Parking for Individuals with Disabilities

Each off-street parking facility shall provide the number of parking spaces set forth in the following table. Parking facilities for single-family, duplex, and mobile homes are exempt from the requirement. Spaces designated for the handicapped shall have minimum width of twelve feet (12') and provide a barrier free route to an accessible building entrance. Such space 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.

| NUMBER OF STALLS | NUMBER OF REQUIRED ACCESSIBLE SPACES |
|-----------------------------|---|
| 1-25 | 1 |
| 26-50 | 2 |
| 51-75 | 3 |
| 76-100 | 4 |
| 101-150 | 5 |
| 151-200 | 6 |
| 201-300 | 7 |
| 301-400 | 8 |
| 401-500 | 9 |
| 501-1,000 | 2% of Total |
| 1,001 AND OVER | 20, plus 1 for each 100 stalls over 1,000 |

5.23 Storage or Parking for Vehicles, Boats, Campers, and Trailers

No lot, parcel or tract of land or part thereof, situated within the zoning jurisdiction of the City of Blue Hill shall be used for any of the following:

5.23.1 The storage or keeping of motor vehicles not having a properly issued current motor vehicle registration and current motor vehicle license plate properly displayed; provided, however, that the following shall not constitute a violation of this subparagraph.

- a. The storage of unlicensed and/or unregistered motor vehicles in a fully enclosed garage.
- b. The storage or keeping of operable off-highway farm or industrial vehicles on tracts zoned Agricultural (AG) or any Industrial (I) District and used in agricultural or industrial activity conducted on said premises.

5.23.2 The storage, keeping or abandonment of parts, including scrap metals, from motor vehicles or machinery, or parts thereof, except in enclosed buildings or garages or where otherwise authorized by the Blue Hill zoning regulations.

5.24 Storage and Shipping Container Placement and Use Requirements

No person shall place, locate, maintain, or otherwise keep a shipping container on any lot or parcel of ground within the City of Blue Hill or within its extraterritorial zoning jurisdiction without first having obtained a building permit for the placement thereof.

5.24.1 Shipping containers must comply with all applicable building codes and receive all applicable permits, except that:

- a. A foundation shall not be required, but the shipping container must be securely anchored to the ground with three inch (3") screws in anchor with straps secured over the container.
- b. Ventilation shall not be required.

5.24.2 Shipping containers may be placed or installed only in the Agricultural (AG), General Commercial (GC), and Light Industrial (LI) districts and shall be subject to the following restrictions:

- a. Under no circumstances shall be installed per lot or parcel of land.
- b. Only one shipping container shall be installed per lot or parcel of land.
- c. No shipping container shall be stacked on top of another or on top of any other object.
- d. Shipping containers must be placed or located behind the main or primary structure on the lot or parcel of ground and shall be set back from all property lines a minimum of fifty feet (50').
- e. No container shall be used to store hazardous material.
- f. No shipping container shall be used to store or keep refuse or debris in, against, on, or under the shipping container.
- g. Every shipping container shall be secured, structurally sound, stable, and in good repair.

5.24.3 Exceptions to these requirements

- a. These restrictions shall not apply to, and no permit shall be required for, any shipping container that is placed, kept, or stored upon the premises of a business directly engaged in transporting goods and used solely in conjunction with such business and not used for storage or other purposes on the business premises.
- b. These restrictions shall not apply to, and no permit shall be required for the placement of PORTABLE STORAGE CONTAINERS in any zoning district for temporary use for not more than thirty (30) days out of every 365 days. Persons placing PORTABLE STORAGE CONTAINERS upon their premises shall register such placement with the City Clerk, noting the date upon the PORTABLE STORAGE CONTAINERS were first placed upon the premises.

5.24.4 Shops and Detached Garages

To help ensure that shops and detached garages in all Residential districts are similar in design and harmonious with other buildings in the district, exterior siding shall consist of wood, hardboard, stucco, aluminum, vinyl, or steel siding commonly used in standard residential construction. Corrugated metal siding or similar industrial type siding is not permitted.

5.25 Solar Panels

No solar panel shall be constructed within the residential zoning jurisdiction of the City of Blue Hill unless a permit therefor is approved and issued by the Zoning Administrator and is constructed in conformance with the following requirements. For those devices that include electrical, plumbing and heating constructions, the applicable permits shall also be obtained.

Solar panels shall meet the following requirements.

5.25.1 Solar panels shall conform to the required front, side and rear lot setback requirements except as provided herein:

- a. A solar panel which is attached to an integral part of the principal building may project two feet (2') into the front yard; six feet (6') into the rear yard; and two feet (2') into the side yard.
- b. A solar panel which is freestanding may be located only in the required rear yard provided it does not exceed six feet (6') in height and is located not less than five feet (5') from the rear lot line and not closer than one foot (1') to any existing easement as measured from the closest point of the structure including its foundation and anchorage's, nor shall the solar panel be located in the required side yard or front yard.

5.25.2 The physical structure and connections to existing structures shall conform to the applicable Superior building codes.

- 5.25.3 The application for a permit shall be accompanied by a plot plan drawn to scale showing property lines, existing structures on the lot, proposed solar panel location with respect to property lines, and dimensions of the proposed solar panel.
- 5.25.4 A permit fee is required. This permit fee shall be paid prior to the issuance of the building permit. The amount of the fee shall be as established in the Master Fee Schedule.
- 5.25.5 Notwithstanding noncompliance with the requirements of this section, a solar panel erected prior to September 18, 1985, pursuant to a valid building permit issued by the City, may continue to be utilized so long as it is maintained in operational condition.

5.26 Wind Energy Systems

In any zoning district, a conditional use permit may be granted to allow wind energy conversion system, including such devices as wind charger, windmill, or wind turbine; subject to the following condition:

- 5.26.1 The distance from any tower support base to any tower support base of another wind energy device under other ownership shall be a minimum of five (5) rotor distances figured by the size of the largest rotor.
- 5.26.2 The wind energy system operation shall not cause interference to the radio and television reception on adjoining property.
- 5.26.3 To limit climbing access to the tower, a fence six feet (6') high with a locking portal shall be placed around the tower base or the tower climbing apparatus shall be limited to no more than twelve feet (12') from the ground, or the tower may be mounted on a roof top.
- 5.26.4 The setback distances from all lot lines to any tower support base shall be determined according to the following setback table:
- 5.26.5 SETBACK TABLE: Where there are several towers under single ownership the minimum lot areas may be adjusted down provided the minimum setback distances are met on all perimeter units. In addition, the landing areas for all internal towers and rotors shall be within the property owned by the operator.

| <u>Rotor Diameter Setback Distance</u> | | <u>Minimum Lot Area¹</u> |
|--|----------|-------------------------------------|
| 5 feet | 100 feet | 1 Acre |
| 10 feet | 165 feet | 2.5 Acres |
| 15 feet | 220 feet | 4.5 Acres |
| 20 feet | 270 feet | 6.75 Acres |
| 25 feet | 310 feet | 9.0 Acres |
| 30 feet | 340 feet | 10.75 Acres |
| 35 feet or larger | 365 feet | 12.25 Acres |

- 5.26.6 Data pertaining to the machine's turbine safety and stability shall be filed with the application. Such data shall include turbine safety and acceptance results from tests conducted by a qualified individual or organization based upon standards set by the U.S. Department of Energy (DOE), Electric Power Research Institute (EPRI) Utility Wind Turbine Verification Program. (U.S. Department of Energy—EPRI Wind Turbine Verification Program Electric Power Research Institute--- 3412 Hillview Ave., Palo Alto, CA 94304)
- 5.26.7 The application shall provide covenants, easements, or similar documentation from the abutting owners providing access to wind sufficient for its adequate operation, unless adequate accessibility to the wind is provided on the site.

Article Six: Conditional Use Permits

6.1 General Provisions

The City Council may, by conditional use permit after a public hearing and referral to and recommendation from the Planning Commission, authorize and permit conditional uses as designated in the district use regulations. Approval shall be based on findings that the location and characteristics of the use will not be detrimental to the health, safety, morals, and general welfare of the area.

6.2 Application for Conditional Use Permit

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

6.3 Planning Commission Public Hearing

Before any proposal for a conditional use permit is considered by the City Council, the Planning Commission shall conduct a public hearing after prior notice of the time, place, and purpose of the hearing has been given by publication in a legal paper of general circulation in the City of Blue Hill, one (1) time at least ten (10) days prior to such hearing. Said notice must include the name and address of the applicant, the legal description of the property in question, the address of the property requiring action, and an explanation of the request requiring the public hearing. A notice shall be posted in a conspicuous place on or near the property on which the action is pending. Such notice shall not be less than eighteen (18) inches in height and twenty-four (24) inches in width with a white background and black letters not less than one and one-half (1 ½) 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 (10) 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. Notice shall also be given to all owners of the parcels contiguous to the property at issue.

6.4 City Council Public Hearing

Before issuance of any conditional use permit, the Council will consider the application for the conditional use permit together with the recommendations of the Planning Commission at a public hearing after prior notice of the time, place, and purpose of the hearing has been given by publication in a legal paper of general circulation in the City of Blue Hill, one (1) time at least ten (10) days prior to such hearing. A notice shall be posted in a conspicuous place on or near the property on which the action is pending. Such notice shall not be less than eighteen (18) inches in height and twenty-four (24) inches in width with a white background and black letters not less than one and one-half (1 ½) 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 (10) 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. Notice shall also be given to all owners of the parcels contiguous to the property at issue.

6.5 Decisions

A majority vote of the Council shall be necessary to grant a conditional use permit. No order of the Council granting a conditional use permit, which has not been acted upon by the applicant, shall be valid for a period longer than twelve (12) months from the date of such order. Unless the following is completed:

- 6.5.1 The Zoning Administrator, in consultation with City Staff, has granted an additional twelve (12) month administrative extension provided:
 - a. The character (including uses, parking conditions, traffic, and others) of the area in which the use(s) were approved has not changed significantly.
 - b. The applicant has made some effort to follow through with said permit or there were circumstances that slowed the applicants' progress.
 - c. If the administrative extension of the second twelve (12) month period has lapsed without establishment of said conditionally permitted use; or, if staff deems the character of the area has changed within the initial twelve (12) month period, the applicant shall be required to reapply to both the Planning Commission and City Council for further approval(s).

6.6 Standards

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

- 6.6.1 That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, moral, comfort, or general welfare of the community.
- 6.6.2 That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood.
- 6.6.3 That the establishment of the conditional use will not impede the normal and orderly development of the surrounding property for uses permitted in the district.
- 6.6.4 That adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided.

- 6.6.5 That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- 6.6.6 The use shall not include noise which is objectionable due to volume, frequency, or beat unless muffled or otherwise controlled.
- 6.6.7 The use shall not involve any pollution of the air by fly-ash, dust, vapors or other substance which is harmful to health, animals, vegetation or other property or which can cause soiling, discomfort, or irritation.
- 6.6.8 The use shall not involve any malodorous gas or matter which is discernible on any adjoining lot or property.
- 6.6.9 The use shall not involve any direct or reflected glare which is visible from any adjoining property or from any public street, road, or highway.
- 6.6.10 The use shall not involve any activity substantially increasing the movement of traffic on public streets unless procedures are instituted to limit traffic hazards and congestion.
- 6.6.11 The use shall not involve any activity substantially increasing the burden on any public utilities or facilities unless provisions are made for any necessary adjustments.

Article Seven: Subdivision Regulations

9.1 Jurisdiction and Applicability

This chapter shall be applicable to all property within the corporate limits and one (1) mile extraterritorial jurisdiction.

9.2 Necessary for Building Permit Approval

No owner of real property within the jurisdiction of the City of Blue Hill may construct buildings and other structures on any lots or parts of real property, less than ten (10) acres that are not subdivided, platted, or laid out in accordance with the requirements of this regulation.

9.3 Interpretations, Conflict, and Severability

These regulations shall be held to provide the minimum requirements necessary for the promotion of the public health, safety, and welfare. If any provision conflicts with any other provision, or any applicable state or federal law, the more restrictive provision shall be enforced. 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.

9.4 Approval Necessary for Acceptance of Subdivision Plats

Approval shall require:

- 7.4.1 Any proprietor of any land within the corporate limits or ETJ of the City of Blue Hill may lay out such land into lots, blocks, streets, avenues, alleys, and other grounds under the name of [NAME] Addition to the City of Red Cloud and shall cause an accurate map or plat to be made out, designating explicitly the land so laid out and particularly describing the lots, blocks, streets, avenues, alleys, and other grounds belonging to such addition. The lots shall be designated by numbers, streets, avenues, and other grounds by names or numbers.
- 7.4.2 If the parcel of land involved is more than ten (10) acres, that parcel of land is exempt from this requirement to be laid out in lots, blocks, streets, avenues, alleys, and other grounds.
- 7.4.3 Such plat shall be submitted to the City Clerk. A fee of fifty dollars (\$50.00) shall be paid to the City Clerk at the time that the plat is filed. Such plat shall be acknowledged by the City Superintendent for the City of Blue Hill and shall contain a dedication of the streets, alleys, and public grounds therein to the use and benefit of the public and have appended a survey made by some competent surveyor with a certificate attached, certifying that he/she has accurately surveyed such addition and that the lots, blocks, streets, avenues, alleys, parks, commons, and other grounds are well and accurately staked off and marked.

7.4.4 When such map or plat is completed, acknowledged, certified, and has been approved by the City Council, the same shall be filed in the Office of the County Register of Deeds and Assessor.

9.5 Approval Necessary for Further Subdivisions (Minor-Subdivisions)

Further subdivision of existing lots and blocks must be reviewed by Planning Commission and approved by the City Council in the same manner as new subdivision plats are reviewed and approved.

9.6 Dedication of Public Lands

Upon approval by the City Council, such plats shall be equivalent to a deed in fee simple absolute to the City of Blue Hill from the proprietor of all streets, avenues, alleys, public squares, parks, and commons, and of such portion of the land is therein set apart for public and municipal use.

9.7 Hearings Necessary for Approval of Additions

Prior to the approval of newly subdivided Additions of land, the Planning Commission and City Council will hold separate public hearings on the approval of the Addition, giving notice of the time and place of such hearing, as provided in Article Nine: Amendments and Enforcement, Notice of Hearings section, of this regulation.

9.8 Annexation

All additions laid out adjoining or contiguous to the Corporate Limits may be included in the Corporate Limits of the City of Blue Hill for all purposes whatsoever at such time as the addition is approved or at any time after the addition is approved.

9.9 Hearings Necessary for Approval of Annexations

Prior to the approval of the inclusion of newly subdivided additions of land into the Corporate Limits of the City of Blue Hill, the Planning Commission and City Council will hold separate public hearings on the annexation of the addition, giving notice of the time and place of such hearing, as provided in Article Nine: Amendments and Enforcement, Notice of Hearings section, of this regulation. Residents of the addition included into the Corporate Limits of the City of Blue Hill shall be entitled to all the rights and privileges, and shall be subject to all the laws, ordinances, rules, and regulations of the City of Blue Hill.

9.10 Vacations

The City of Blue Hill may vacate any such existing plat and addition in accordance with Nebraska Revised Statutes 19-917.

9.11 Force and Effect

No owner of real estate within the Corporate Limits or one (1) mile Extraterritorial Jurisdiction of the City of Blue Hill shall be permitted to subdivide, plat, or lay out such land into blocks, lots, streets, or other portions of the same intended to be dedicated for public use, or for the use of the purchasers or owners of lots fronting thereon or adjacent thereto, without first having

obtained the approval of the City Council. No plat or instruments effecting the subdivision of real property shall be recorded or have any force and effect unless the same be approved by the City Council of the City of Blue Hill.

Article Eight: Board of Adjustments

8.1 Fees

There shall be a thirty-dollar fee (\$30.00) to bring a claim to the Board of Adjustments.

8.2 Legislative Body of City May Act as Board of Adjustment

Pursuant to §19-911, Nebraska Reissue Revised Statutes of 1943, the Legislative Body of a City may provide by ordinance that it shall constitute a Board of Adjustment, and in the regulations and restrictions adopted pursuant to the authority of sections 19-901 to 19-905 may provide that as such Board of Adjustment it may exercise only the powers granted to the Councils of adjustment by §19-910, provided at 6.4.

8.3 Appeals to Board, Record of Appeal, Hearings and Stays

As provided in Section 19-909, Reissue Revised Statutes of 1943 (in full): Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, Council or bureau of the City affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the officer from whom appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment, after the notice of the appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record in application on notice to the officer from whom the appeal is taken and on due cause shown. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties, in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or attorney.

8.4 Powers and Jurisdiction on Appeals

The Council of Adjustment shall have the following powers:

- 8.4.1 To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official or agency based on or made in the enforcement of any zoning regulation or any regulation relating to the location or soundness of structures to hear and decide, in accordance with the provisions of this Zoning Ordinance, requests for interpretation of any map, or for decisions upon other special questions upon which the Council is authorized by this Zoning Ordinance to pass; and
- 8.4.2 To grant variances, where by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of enactment of this Zoning Ordinance, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation under this Zoning Ordinance would result in peculiar and exceptional practical difficulties to or exceptional and undue hardships upon the owner of such property, to authorize, upon an appeal relating to the property, a variance from such strict application

so as to relieve such difficulties or hardship, if such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Zoning Ordinance.

- a. The Board of Adjustment shall authorize no such variance, unless it finds that:
 - i. The strict application of the Ordinance would produce undue hardship;
 - ii. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity;
 - iii. The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance; and
 - iv. The granting of such variance is based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit or caprice. No variance shall be authorized unless the Board finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to this Zoning Ordinance.

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

8.5 Appeals to District Court

Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment may appeal as provided by Section 19-912, Reissue Revised Statutes of 1943 (in full).

Article Nine: Amendments and Enforcement

9.1 Amendments

Pursuant to Section 19-905, Reissue Revised Statutes of 1943 (in full): This Zoning Ordinance may, from time to time, be amended, supplemented, changed, modified, or repealed. In case of a protest against such change, signed by the owners of twenty percent (20%) or more either of the area of the lots included in such proposed change, or of those immediately adjacent on the sides and in the rear thereof extending three hundred feet therefrom, and of those directly opposite thereto extending three hundred feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of three-fourths (3/4) of all members of the City Council. The provisions of this section of the Ordinance relative to public hearings and official notice shall apply equally to all changes or amendments. In addition to the publication of the notice therein prescribed, a notice shall be posted in a conspicuous place on or near the property on which action is pending. Such notice shall not be less than eighteen inches (18”) in height and twenty-four inches (24”) in width with a white or yellow background and black letters not less than one and one-half inches (1 ½”) in height. Such posted notice shall be so placed upon such premises that it is easily visible from the street nearest the same and shall be so posted at least ten (10) days prior to the date of such hearing. It shall be unlawful for anyone to remove, mutilate, destroy, or change such posted notice prior to such hearing. Any person so doing shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars (\$50) or more than one hundred dollars (\$100). The provisions of this section in reference to notice shall not apply: (1) in the event of a proposed change in such regulations, restrictions, or boundaries throughout the entire area of an existing zoning district or of such municipality, or (2) in the event additional or different districts are made applicable to areas, or parts of areas, already within a zoning district of the City.

9.2 Planning Commission Review

No amendment, supplement, change or modification of this Zoning Ordinance, including the boundaries of any zoning district, shall be made by the City Council without first the consideration by the Planning Commission, the Commission shall submit in writing its recommendations on each amendment, supplement, change or modification to the City Council within forty-five (45) days after receipt thereof. Said recommendations shall include approval, disapproval, or other suggestions and the reasons thereof, and a discussion of the effect of each amendment, supplement, change or modification on the Comprehensive Plan. Said recommendations shall be of an advisory nature only. In addition, any person or persons seeking such an amendment, supplement, change, or modification of any zoning district, shall comply with the following:

- 9.2.1 At the time that application for a change of zoning district or amendment to the zoning test is filed with the Planning Commission, there shall be deposited the sum of fifty dollars (\$50) as a fee to cover investigation, legal notices, or other expenses incidental to the determination of such matter.

9.3 Inspection by City Staff

The provisions of this Zoning Ordinance shall be administered and enforced by City Staff, who shall have the power to make inspection of buildings or premises necessary to carry out individually assigned duties in the enforcement of this Zoning Ordinance.

9.4 Building Permits

It shall be unlawful to commence the excavation for the construction of any building, or any accessory buildings, or to commence the moving or alteration of any buildings, including accessory buildings, until the Zoning Administrator has issued a building permit for such work.

9.5 Application for a Building Permit

In applying to the Zoning Administrator for a building permit, the applicant shall submit a dimensioned sketch or a scale plan indicating the shape, size and height and location of all buildings to be erected, altered or moved and of any building already on the lot. He shall also state the existing and intended use of all such buildings, and supply such other information as may be required by the Zoning Administrator for determining whether the provisions of this Zoning Ordinance are being observed. If the proposed excavation or construction as set forth in the application are in conformity with the provisions of this Zoning Ordinance, and other Ordinances of the City then in force, the Zoning Administrator shall issue a building permit for such excavation or construction. If a building permit is refused, the Zoning Administrator shall state such refusal in writing, with the cause, and shall immediately thereupon mail notice of such refusal to the applicant at the address indicated upon the application. The Zoning Administrator shall grant or deny the permit within a reasonable time from the date the application is submitted. The issuance of a permit shall, in no case, be construed as waiving any provisions of this Zoning Ordinance. A building or zoning permit shall become void twelve (12) months from the date of issuance unless substantial progress has been made by that date on the project described therein.

9.6 Certificate of Occupancy

No land or building or part thereof hereafter erected or altered in its use or structure shall be used until the Zoning Administrator shall have issued a certificate of occupancy stating that such land, building or part thereof, and the proposed use thereof, are found to be in conformity with the provisions of this Zoning Ordinance. Within three (3) days after notification that a building or premises is ready for occupancy or use, it shall be the duty of the Zoning Administrator to make a final inspection thereof and to issue a certificate of occupancy if the land, building, or part thereof and the proposed use thereof are found to conform with the provisions of this Zoning Ordinance, or, if such certification is refused, to state refusal in writing, with the cause, and immediately thereupon mail notice of such refusal to the applicant at the address indicated upon the application.

9.7 Notice of Hearings

Hearings required under the provisions of this regulation shall not be held until notice thereof has been given in compliance with the following provisions:

- 9.7.1 A notice shall be posted in a conspicuous place on or near the property on which the action is pending. Such notice shall not be less than eighteen inches (18") in height and

twenty-four inches (24") in width with a white background and black letters not less than one and one-half inches (1 ½") 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 (10) 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.

9.7.2 Notice shall also be given to all owners of the parcels contiguous to the property at issue.

9.7.3 Notice of time and place of such hearing shall be given by publication thereof in the newspaper of general circulation of the City of Blue Hill at least one time ten (10) days prior to such hearing.

9.7.4 It shall not be necessary to give further notice of adjourned or continued meetings.

9.8 Penalties

Pursuant to Section 19-913, Reissue Revised Statutes of 1943 (in full), the owner or agent of a building or premises in or upon which a violation of any provisions of this Zoning Ordinance has been committed or shall exist or lessee or tenant of an entire building or entire premises in or upon which violation has been committed or shall exist, or the agent, architect, building contractor or any other person who commits, takes part or assists in any violation or who maintains any building or premises in or upon which such violation shall exist, shall be guilty of a misdemeanor and shall be punished by a fine not to exceed one hundred dollars (\$100) for any one (1) offense. Each day of non-compliance with the terms of this Zoning Ordinance shall constitute a separate offense. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation. However, nothing shall deprive the citizen of his or her rights under the U.S. Constitution of a jury trial.

9.9 Remedies

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure, or land is used in violation of Sections 19-901 to 19-914, Reissue Revised Statutes of 1943 (in full), or this Zoning Ordinance, or any regulation made pursuant to said sections, the appropriate authorities of the City may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.

9.10 Effective Date

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

ADOPTED AND APPROVED by the Governing Body of Blue Hill, Nebraska

This 8th day of May, 2018

Seal

ATTEST: _____
(CITY CLERK) (MAYOR)