
ARTICLE 5: ZONING DISTRICTS

Section 5.01 Districts: Use.

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- 5.20 (UDO) Urban Development Overlay
- 5.21 (HPD) Preservation Overlay
- 5.22 (CO) Corridor Overlay

For the purpose of this Ordinance, the Municipality is hereby divided into 18 districts, designated as follows:

- (TA) Transitional Agriculture
- (RE) Residential Estates
- (R-1) Low Density Residential
- (R-2) Medium Density Residential
- (R-3) High Density Residential
- (M) Modified Residential
- (RT) Residential Transition
- (B-1) General Business
- (B-2) Downtown Business
- (B-3) Highway Business
- (FX) Flex
- (I-1) Light Industrial
- (PUB) Public and Semi-Public
- (PUD) Planned Unit Development
- (FF/FW) Flood Plain Overlay
- (UDO) Urban Development Overlay
- (HPD) Preservation Overlay
- (CO) Corridor Overlay

Section 5.02 Districts; Boundaries

The boundaries of the districts are hereby established as shown on the maps entitled "Official Zoning Map of the City of Ashland, Nebraska." Said maps and all explanatory matter thereon accompany and are hereby made a part of this Ordinance as if fully written herein. The Official Zoning District Map shall be identified by the signature of the Mayor, and attested by the City Clerk. No changes shall be made on the Zoning District Map except as may be required by amendments to this 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. (Ref. §19-904 RS Neb.)

Section 5.03 Rules for Interpretation of District Boundaries

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

- A. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- C. Boundaries indicated as approximately following City limits shall be construed as following such City limits;
- D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
- E. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;
- F. Boundaries indicated as parallel to or extensions of features indicated in subsections 5.03.01 – 5.03.05 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;
- G. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections 5.03.01 – 5.03.06 above, the Board of Zoning Adjustment shall interpret the district boundaries;
- H. Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, The Board of Zoning Adjustment may permit the extension of the regulations for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot.

Section 5.04 Classification of Districts Upon Annexation and Conformance with the Land Use Plan

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

Section 5.05 TA Transitional Agriculture District

- A. *Intent.* The Transitional Agriculture District is established for the purpose of preserving agricultural resources that are compatible with adjacent urban growth. It is not intended for commercial feedlot operations for livestock or poultry, or for small acreage residential development.
- B. *Permitted Uses*
1. Agricultural farms, truck gardens, green houses, pasture, plant nurseries, orchards, asparagus, mushroom barns, grain storage facilities, and the usual agricultural farm buildings and structures
 2. Raising and feeding of livestock up to 25 animal units, provided not more than one (1) animal for the first acre of land, and one (1) additional animal for every two (2) additional acres of land
 3. Farm dwelling for the owners and their families, tenants and employees
 4. Single-family dwellings (with approved access location and design).
 5. Roadside stands offering for sale agriculture products produced on the premises
 6. Church, seminary and convent, including residences for pastors and teachers
 7. Publicly owned and operated buildings and facilities such as community centers, auditoriums, libraries, and museums
 8. Fire Station
 9. Public parks and recreation areas, playgrounds, forest and conservation areas, including flood control structures and similar uses and campgrounds under franchise of the County or State government agencies
 10. Public overhead and underground local distribution utilities
 11. Overhead and underground utility main transmission lines to include water, power, telephone, gas, fuel lines; substations; terminal facilities; reservoirs; and storage buildings of a size up to 2500 square feet which uses are incidental to aforementioned uses.
 12. Railroads, not including switching, terminal facilities or freight yards
 13. Irrigation facilities
 14. Stables, riding academies and training facilities for horses.
- C. *Permitted Conditional Uses*
1. Cell/telecommunication towers and transmitters
 2. Airports
 3. Private and commercial kennels and facilities for raising, breeding, and boarding of dogs, and other small animals; provided all buildings and facilities are at least 100 feet from any property line, and 300 feet from any residential zoning district
 4. Veterinarians' offices and hospitals, and commercial kennels.
 5. Extraction and processing of rock, gravel, sand, clay, and dirt
 6. Private and commercial recreational areas and facilities including campgrounds, RV parks, country clubs, golf courses (but not miniature golf), and swimming pools.
 7. Private camping areas
 8. Hospitals, nursing homes, and eleemosynary institutions
 9. Licensed and unlicensed Recreational Vehicle Storage- Out of Doors and/or Within an Enclosed Building
 10. Bed and Breakfast
 11. Temporary concrete or asphalt batch plant
 12. Garages for the storage, maintenance and repair of public vehicles.
 13. Home businesses, subject to Section 8.07.
 14. Non-farm raising and care of animals.
 15. Winery
 16. Cemeteries, provided all structures are located at least one hundred (100) feet from all property lines.
 17. Wastewater treatment facilities and community water works.
 18. Public and private schools and colleges.
 19. Homes for convalescents, aged or children.
 20. Festivals or commercial events, which may include temporary structures, on specified dates.
 21. Detached accessory structure used for dwelling for the owners and their families.

D. *Accessory Uses*

1. Buildings and uses customarily incidental to the permitted and conditional uses
2. Temporary buildings and uses incidental to construction work or in the event of an emergency as determined by the Council which shall be removed upon the completion or abandonment of the construction work
3. Private swimming pool, tennis courts, and other recreational facilities in conjunction with the permitted use
4. Signs as provided for in Article 7.
5. Parking as provided for in Article 8.
6. Home occupations, subject to Section 8.07.
7. Child Care Home I.
8. Non-covered storage for operable and licensed motor homes, boats and camping trailers, customarily incidental to private recreation areas operated as trailer camps. Said non-covered storage must be completely screened with ten (10) foot high permanent privacy fencing totally constructed of wood, vinyl, chain link wire mesh, or ornamental iron. Said non-covered storage and privacy fencing shall not be visible from any roadway or street and/or to any abutting or neighboring properties. Required fencing may be allowed to be concealed from public view by the use of mature trees or shrubbery.
9. Private lakes and ponds, subject to review and approval of Nebraska Department of Natural Resources and NRD.
10. Residential and Small Wind Energy Systems

E. *Height and Area Requirements*

	Lot Area	Lot Width	Front Yard	Side Yard	Rear Yard	Maximum Height***	Lot Coverage
Dwellings	20 Acres	500'	50'	50'	65'	35'	10%
Other Permitted Uses	5 Acres	150'	50'	50'	65'	35'	10%
Accessory Buildings	---	---	80'	25'	25'	25'	5%**

** Total of not more than two buildings with a combined total of 3,000 square feet for non-agricultural uses.

*** Agricultural uses are exempt from maximum height requirements.

Total lot area shall exclude road right-of-way. Setbacks from road/street are measured from property line or right-of-way line when abutting a county or township road.

F. *Other Applicable Provisions*

1. Only one building for living purposes shall be permitted on one zoned lot, except as may be otherwise provided herein.
2. Private wells subject to review in Section 8.19 may be authorized where the following additional standards are met:
 - a. All wells must meet Nebraska Department of Health and Human Services and Department of Environmental Quality standards for quality, design, and operation.
 - b. No well shall be allowed within 1,000 feet of an existing or designated municipal well site.
 - c. The proposed location shall not create a negative impact on adjacent properties.

- d. Authorized permits shall be reviewed for renewal on an annual basis and shall be discontinued when city water services are adjacent to the property or right-of-way contiguous to the property.
3. Screening of Recreational Vehicle Storage shall be in compliance with Article 9.

Section 5.06 RE Residential Estates District

- A. Intent:** The Residential Estates District is intended to provide a transition from land used for agricultural purposes to a low density residential use compatible with adjacent urban growth in areas that may not be in the identified growth areas of the community.
- B. Permitted Uses:**
The following principal uses are permitted in the RE District.
1. Agricultural and horticultural uses such as crop farming, nurseries, greenhouses, and the usual agriculture.
 2. Farm dwellings for the owners and their families, tenants, and employees.
 3. Public parks and recreation areas, playgrounds and conservation areas including flood control facilities.
 4. Railroads, not including switching, terminal facilities or freight yards.
 5. Public overhead and underground local distribution utilities.
 6. Single family dwelling (with approved access location and design).
 7. Churches, temples, seminaries, and convents, including residences for pastors and teachers.
 8. Overhead and underground utility main transmission lines to include to include water, power, telephone, gas, fuel lines; substations, terminal facilities; and reservoirs.
 9. Public services.
 10. Publicly owned and operated facilities.
- C. Conditional Uses:**
The following uses are subject to any conditions listed in this Ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the RE District as recommended by the Planning Commission and approved by the City Council.
1. Radio, television and wireless communication towers and transmitters.
 2. Stables, riding academies, and training facilities for horses.
 3. Cemeteries, provided all structures are located at least 100 feet from all property lines.
 4. Bed & Breakfasts
 5. Wastewater treatment facilities and community water works.
 6. Private recreation areas and facilities including country clubs, golf courses (but not miniature golf), swimming pools, and tennis courts.
 7. Public and private schools and colleges.
 8. Home business.
 9. Garages for the storage, maintenance and repair of public vehicles.
 10. Airports.
 11. Veterinarians' offices and hospitals, and boarding kennels.
 12. Raising and care of animals
 13. Hospitals and institutions.
 14. Homes for convalescents; aged or children.
- D. Permitted Accessory Uses:**
1. Buildings and uses customarily incidental to the permitted and conditional uses, provided they are located to the rear of the primary structure.
 2. Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
 3. Private barns for not more than one animal unit for the first acre and one additional animal unit for each two additional acres of land or portion thereof over ½ acre.
 4. Signs as provided for in Article 7.
 5. Parking as provided for in Article 8.
 6. Private swimming pool, tennis court and other similar facilities in conjunction with a residence.
 7. Incidental public safety uses such as emergency sirens.
 8. Child Care Home I
 9. Home Occupations, subject to Section 8.07
 10. Amateur radio towers and associated facilities, per Section 8.08

E. Height and Lot Requirements:

	Lot Area	Lot Width	Front Yard	Side Yard	Rear Yard	Maximum Height	Lot Coverage
Permitted Uses	5 Acres*	200'	40'	25'	65'	35'	10%
Accessory Buildings	---	---	70'	15'	15'	25'	5%**

* May be reduced to 3 acres in subdivisions of three (3) lots or more.

** Total of not more than two buildings with a combined total of 2,500 square feet for non-agricultural uses, but not to exceed the ground floor coverage of the principal dwelling.

Total lot area shall exclude road right-of-way. Setbacks from road/street are measured from property line or right-of-way line when abutting a county or township road.

Section 5.07 R-1 Low Density Residential District

- A. *Intent.* The Low Density Residential District is intended to provide for large lot residential and compatible uses while maintaining reserve land for planned expansion of intense urban development; to facilitate planned extension of municipal services; and to permit residential use of land where, because of forests, unstable land, or other natural land features, intensive development is not in the best public interest. Provides for single-family residential uses; minimum lot area of 20,000 square feet.
- B. *Permitted Uses*
1. Single-family dwellings
 2. Publicly owned and operated buildings and facilities such as administrative offices, community centers, auditoriums, libraries, and museums
 3. Fire Station
 4. Public parks and recreation areas, playgrounds, forest and conservation areas, including flood control structures and similar uses and campgrounds under franchise of the County or State government agencies
 5. Public overhead and underground local distribution utilities
 6. Railroads, not including switching, terminal buildings or freight yards.
- C. *Permitted Conditional Uses*
1. Public and parochial elementary schools, junior and senior high schools and colleges; nursery schools, private nonprofit schools
 2. Churches, temples, seminaries, and convents, including residences for pastors and teachers
 3. Seasonal offering for sale of agriculture products produced on the premises.
 4. Private recreation areas and facilities, including lakes, ponds, country clubs, golf courses, and swimming pools.
 5. Hospitals, nursing homes, rest homes, sanatoriums, convalescent homes, or other similar uses
 6. Public utility and services uses, substations, distribution centers, regulator stations, pumping stations, treatment facilities, storage, equipment buildings, garages, towers, or similar public service uses
 7. Private commercial recreational areas, exclusive of hunting and shooting areas, auto racing, go-cart tracks, and cycle clubs
 8. Agricultural and horticultural uses such as crop farming, nurseries, green houses, and the usual agricultural buildings, except those activities or operations involving a concentration of areas and buildings for livestock or other intensive animal or poultry productions, shall not be permitted
 9. Satellite dish antennas that conform to the supplementary regulations of this Ordinance
 10. Radio, television and communication towers and transmitters.
 11. Overhead and underground utility main transmission lines including but not limited to power, telephone, gas, fuel, or fertilizer lines, substations, terminal facilities, and reservoirs.
 12. Cemeteries.
 13. Mortuaries, funeral homes, and funeral chapels
 14. Child Care Center and Child Care Home II
 15. Townhouses
 16. Detached accessory structure used for dwelling for the owners and their families.
 17. Domestic kennel
 18. Keeping of poultry, subject to Section 8.09
- D. *Accessory Uses*
1. Buildings and uses customarily incidental to the permitted and conditional uses. No accessory buildings shall exceed the ground floor coverage of the principal building.
 2. Temporary buildings and uses incidental to construction work which shall be removed upon the completion or abandonment of the construction work
 3. Private swimming pools, tennis courts, and other recreational facilities in conjunction with a residence
 4. Home occupations, subject to Section 8.07
 5. Child care home I
 6. Signs as provided for in Article 7.
 7. Parking as provided for in Article 8.

E. *Height and Area Requirements*

	<u>Lot Area Sq. Ft.</u>	<u>Lot Width</u>	<u>Front** Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>	<u>Maximum Height</u>	<u>Maximum Lot Coverage</u>
Dwelling							
Single Family	20,000	80'	35'	15'	30'	35'	20%
Other Permitted Uses	20,000	80N	35'	15'	30'	35'	20%
Accessory Buildings	---	---	50'	8'	10'	15'	10%*

* Total not to exceed 900 sq. ft. for residential uses; provided the total lot coverage of all buildings does not exceed 30%.

** On Corner Lots the following criteria apply to setbacks. In existing developed areas, the Street Side Yard setback may conform to existing setbacks of existing structures along that street. For means of comparison, a structure shall be compared to other dwelling units on the same side of the street, and one block on each side. In new developments, the Street Side Yard setback shall be equal to the Front Yard setback.

1. Total lot area shall exclude road right-of-way. Setbacks from road/street are measured from property line or right-of-way line when abutting a county or township road.
2. A one (1) or one and one-half (1 ½) story single-family house with slab on grade or with no basement shall contain at least 1,500 square feet of floor area on one level exclusive of garages and other attached accessory floor area; a split-level or multi-level single-family house shall contain at least 1,500 square feet as the total sum of the nearest floor levels separated by not more than five (5) vertical feet, provided that the floor level or levels nearest the grade or ground line used for living purposes shall contain at least 750 square feet, exclusive of garages and other attached accessory floor area; and a two (2) or two and one-half (2 ½) story single-family house with or without a split-entry shall contain at least 1,200 square feet of floor area on the lower story, if more than 50% of the space is finished and used for living purposes, all exclusive of garages and other attached accessory floor area.

F. *Other Applicable Provisions*

1. Only one (1) building for living purposes shall be permitted on one (1) zoning lot, except as may be otherwise provided herein.

Section 5.08 R-2 Medium Density Residential District

- A. *Intent.* This district is intended to provide for single to four family residential development in areas with adequate public facilities and supporting uses near population centers. Provides for two-family residential uses; minimum lot area of 6,100 square feet per unit.
- B. *Permitted Uses*
1. Single-family dwellings
 2. Single family attached dwellings (Maximum of four dwelling units per structure)
 3. Two-family dwellings
 4. Publicly owned and operated parks, forest preserves, playgrounds, fire stations, community centers, libraries, and auditoriums
 5. Townhouses
 6. Publicly underground local distribution utilities.
- C. *Permitted Conditional Uses*
1. Public and quasi-public uses of an educational, recreational or religious type including public and parochial elementary schools, junior and senior high schools and colleges; nursery schools, private nonprofit schools, churches, parsonages, and other religious institutions.
 2. Fraternity and sorority houses associated with a college
 3. Hospitals, sanitariums, rest homes, nursing homes, elderly or retirement Housing, convalescent homes, other similar institutions, or philanthropic institutions.
 4. Mortuaries, funeral homes and funeral chapels.
 5. Public utility and services uses, substations, distribution centers, regulator stations, pumping stations, storage, equipment buildings, garages, towers, or similar public service uses
 6. Satellite dish antennas that conform to the supplementary regulations of this Ordinance
 7. Bed and Breakfast
 8. Home businesses, subject to Section 8.07
 9. Child Care Home II and Child Care Center
 10. Detached accessory structure used for dwelling for the owners and their families
 11. Domestic kennel
 12. Keeping of poultry, subject to Section 8.09
 13. Expansion of non-conforming structure
- D. *Accessory Uses*
1. Buildings and uses customarily incidental to the permitted uses. No accessory building shall exceed the ground floor coverage of the principal dwelling
 2. Temporary buildings and uses incidental to construction work which shall be removed upon the completion or abandonment of the construction work
 3. Private swimming pool, tennis court and other recreational facilities in conjunction with a residence
 4. Parking for permitted uses as per Article 8
 5. Signs allowed in Article 7
 6. Home occupations, subject to Section 8.07
 7. Child care home I

E. *Height and Area Requirements*

	<u>Lot Area</u>	<u>Lot Width</u>	<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>	<u>Maximum Height</u>	<u>Lot Coverage</u>
Single Family Dwelling (existing development)**	6,100	44'	25'	10'	25'	35'	35%
Single Family Dwelling (future development)**	7,000	75'	25'	10'	25'	35'	40%
Two Family Dwelling**	8,000	75'	25'	10'	25'	35'	35%
Three and Four Units** (per dwelling unit)	3,000	75'	25'	10'	25'	35'	35%
Other Permitted Uses	10,000	80'	25'	10'	30'	30'	25%
Accessory Buildings	---	---	50'	10'	10'***	15'	10%*

* Provide total area of accessory structure for single family does not exceed 750 sq. ft. and the total lot coverage of all buildings does not exceed 40%

** On Corner Lots the following criteria apply to setbacks. In existing developed areas, the Street Side Yard setback may conform to existing setbacks of existing structures along that street. For means of comparison, a structure shall be compared to other dwelling units on the same side of the street, and one block on each side. In new developments, the Street Side Yard setback shall be equal to the Front Yard setback.

*** Setback for buildings less than 100 square feet in size may be reduced to five (5) feet provided such structure is located no closer than 20 feet to another accessory building on an adjacent property.

F. *Other Applicable Provisions*

1. Only one (1) building for living purposes shall be permitted on one (1) zoned lot, except as may be otherwise provided herein.
2. Off-street parking shall be provided for all uses established in this district.

Section 5.09 R-3 High Density Residential District

- A. *Intent.* The purpose of this district is to permit high density residential development in areas providing all public facilities and supporting facilities to maintain a sound and pleasant environment for the inhabitants. Provides for multi-family residential uses; minimum lot area of 3,000 square feet per unit.
- B. *Permitted Uses*
1. Single family dwellings
 2. Single family attached dwellings
 3. Two-family, duplex, dwellings
 4. Condominiums
 5. Townhouses
 6. Multiple family dwellings
 7. Boarding, lodging, and rooming houses
 8. Hospitals, sanitariums, rest homes, nursing homes, or other similar uses, philanthropic institutions
 9. Private clubs, fraternities, or other similar uses
 10. Churches, temples, seminaries, and convents including residences for teachers and pastors.
 11. Schools and colleges
 12. Public parks, playgrounds, or other public recreational uses
 13. Publicly owned and operated buildings and uses
 14. Mortuaries, funeral homes and funeral chapels
 15. Public local distribution utilities
- C. *Permitted Conditional Uses*
1. Satellite dish antennas that conform to the supplementary regulations of this Ordinance.
 2. Child care home II and Child Care Center
 3. Bed and Breakfast
 4. Public utility main transmission lines including substations, distribution centers, regulator stations, pumping, treatment facilities, storage, equipment buildings, garages, towers, or similar public service uses.
 5. Mobile homes located within mobile home parks.
 6. Mobile home parks subject to Modified Zoning District.
 7. Charitable clubs and organizations
 8. Home business, subject to Section 8.07
 9. Keeping of poultry, subject to Section 8.09
- D. *Accessory Uses*
1. Buildings and uses customarily incidental to the permitted uses. No accessory buildings shall exceed the ground floor coverage of the principal building.
 2. Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
 3. Private swimming pool, tennis court and other outdoor recreational facilities in conjunction with dwellings
 4. Off-street parking lots, public and private
 5. Parking as provided for in Article 8.
 6. Signs as provided for in Article 7.
 7. Home Occupations, subject to Section 8.07
 8. Child care home I

E. *Height and Area Requirements*

	Lot <u>Area</u>	Lot <u>Width</u>	Front <u>Yd.</u>	Side <u>Yd.</u>	Rear <u>Yd.</u>	Max. <u>Ht.</u>	Max. Lot <u>Coverage</u>
Single Family Dwelling***	7,000	70'	25'	10'	25'	35'	40%
Two Family Dwelling**** (per dwelling unit)	4,000	75'	25'	10'	25'	35'	40%
Multi-Family Dwelling*** (per dwelling unit)	3,000	100'	25'	(*)	25'	45'	40%
Other Permitted Uses	10,000	70'	25'	10'	25'	45'	30%
Accessory Buildings	---	---	50'	8'	10'****	15'	10%**

* For Multi-Family units the side yard shall be 10 feet if it is a 3-story structure, and 2 feet additional side yard on each side shall be provided for each story in excess of 3 stories.

** Provide total area of accessory structure for single family does not exceed 750 sq. ft. and the total lot coverage of all buildings does not exceed 40%

*** On Corner Lots the following criteria apply to setbacks. In existing developed areas, the Street Side Yard setback may conform to existing setbacks of existing structures along that street. For means of comparison, a structure shall be compared to other dwelling units on the same side of the street, and one block on each side. In new developments, the Street Side Yard setback shall be equal to the Front Yard setback.

**** Setback for buildings less than 100 square feet in size may be reduced to five (5) feet provided such structure is located no closer than 20 feet to another accessory building on an adjacent property.

F. *Other Applicable Provisions*

1. Only one (1) building for living purposes shall be permitted on one (1) zoned lot, except as may be otherwise provided herein.
2. Off-street parking and loading space shall be provided for all uses established in this district.

Section 5.10 M Modified Residential District

- A. *Intent.* An appending or combining district designed for mobile home parks. This zoning district is created to be appended to another primary residential district to provide for the inclusion of mobile home parks as an additional use at locations which are suitable for mobile dwellings, and to provide for the placement of more than one transportable structure on a zoned lot.
- B. *Permitted Uses*
 - 1. Any principal uses permitted in the Primary Zoning District to which M Modified Residential District classification is appended when established according to the regulations and provisions of the primary zoning district
 - 2. Mobile Home Parks authorized and licensed by the city for the parking and occupancy of mobile dwellings
- C. *Permitted Conditional Uses*
 - 1. Any conditional use permitted in the Primary Zoning District to which M Modified Residential District classification is appended when established according to the regulations and provisions of the Primary Zoning District
 - 2. Satellite dish antennas that conform to the supplementary regulations of this Ordinance
- D. *Accessory Uses*
 - 1. Any accessory use permitted in the Primary Zoning District to which M Modified Residential District classification is appended when established according to the regulations and provisions of the Primary Zoning District
 - 2. Accessory uses which are necessary or required by other ordinances of the city, such as storm shelters or service facilities for bathing, laundry, etc., as required by the State or County Health regulations
- E. *Building Height and Area Requirements for Permanent Structures*
 - 1. The requirements of the Primary Zoning District shall be applicable. In the event the tract of land lies in more than one primary zoning district, the requirements of the more restrictive primary zoning district shall be applicable.
- F. *Additional requirements*
 - 1. *Area and Setback Requirements*

Minimum Mobile Home Park Land Area	Five (5) acres
Minimum Mobile Home Park Width	300 feet
Minimum Front Buffer Area	50 feet (street line to individual interior lot line)
Minimum Side Buffer Area	25 feet (street property line to individual interior lot line)
Minimum Rear Buffer Area	25 feet (rear property line to individual interior lot line)

2. Individual Interior Lot Requirements

Minimum Lot Area	4,000 square feet
Minimum Lot Width	40 feet
Minimum Lot Depth	100 feet
Minimum Front Yard	20 feet
Minimum Side Yard	5 feet
Minimum Rear Yard	5 feet

3. Mobile Homes Shall Maintain the Following Minimum Separations

End to End	10 feet
End to Side	10 feet
Side to Side	10 feet
Mobile Home to Community Building	30 feet
Mobile Home to Accessory Storage Building	5 feet
Mobile Home to Accessory Garage	10 feet

4. Mobile Home Minimum Size

Minimum Livable Floor Area	500 square feet
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G. *Streets*

1. Public streets are subject to the requirements of the City of Ashland subdivision regulations.
2. If private streets are utilized, the following shall apply:
 - a. On streets where parallel parking is allowed on both sides of the street, the width of the street shall be a minimum of thirty-six (36) feet exclusive of curbs.
 - b. On streets where parallel parking is allowed on one side of the street, the width of the street shall be a minimum of thirty (30) feet exclusive of curbs.
 - c. On streets where parking is prohibited, the width of the street shall be a minimum of twenty-four (24) feet exclusive of curbs.
 - d. On streets restricted to one-way traffic with parking on one side, the width of the street shall be a minimum of twenty-four (24) feet exclusive of curbs.
 - e. Each individual interior lot shall have access to a paved drive of either concrete or asphaltic concrete with concrete curbs.
 - f. Verification of rescue vehicle access to all individual interior lots will be required.
 - g. All private streets shall have unobstructed access to a public street.
3. All streets and sidewalks within the mobile home park shall be adequately lighted.
4. All streets must be completely constructed prior to the placement of any mobile home on said street.

H. *Parking*

1. Off-street parking shall be provided for all uses established in this zoning district.
2. A minimum of two hard surfaced off-street parking stalls shall be provided for each individual interior lot

I. *Sidewalks*

1. Sidewalks shall be provided in locations where pedestrian traffic is concentrated and shall be installed along streets, to the entrance of the office, community building and other important facilities.
2. Minimum sidewalk width shall be four (4) feet.
3. Sidewalks shall be constructed of concrete.

J. *Storm Shelter/Community Building*

1. A community building shall be provided which shall include at a minimum a storm shelter for park residents. The community building may also provide recreational facilities, laundry facilities and other similar uses. The Storm Shelter shall:

- a. Provide equivalent space for a minimum of two and one half persons per mobile home unit.
- b. Be designed in conformance with “National Performance Criteria for Tornado Shelters” by the Federal Emergency Management Agency (FEMA) and any other referenced material by FEMA.
- c. Shelters shall be sited in order to provide maximum protection to park occupants and so that residents may reach a shelter within the maximum safe time frame as directed by FEMA.

K. *Mobile Home Installation*

1. Mobile Home Installation shall conform to the following:
 - a. Stabilizing devices for mobile homes bearing HUD labels shall be installed in accordance with the manufacturer's installation instructions provided with the unit pursuant to §3280.306 of the federal regulations.
 - b. When the information for stabilizing device materials is not provided in the manufacturer's installation instructions, the materials shall be as approved by the local enforcement agency.
 - c. When a mobile home is located in an area subjected to frost heave, the footings and load-carrying portion of the ground anchors shall extend below the frost line or as per the requirements established by the local enforcement agency.
 - d. Enforcement of installation procedures shall be in accordance with the Federal Regulations, codified at 24 C.F.R. Part 3282, Subpart G.

L. *Skirting*

1. Skirting shall be required for all mobile homes.
2. Skirting shall be in good repair, meet manufacturer standards, and be in conformance with the color scheme of the mobile home to which it is applied.
3. Skirting shall be able to withstand wind load requirements and shall not provide harborage for junk or rodents, nor create a fire hazard.
4. Skirting shall provide easy access to all utility connection points of the mobile home and its subsequent connection to the utility risers if they are located within the skirted area.

M. *Park/Open Space*

A minimum of 8% of the total Mobile Home Park area must be maintained as open space to be use for recreation, playground, or park space.

N. *Buffer Space*

1. A solid or semi-solid fence or wall, six (6) feet high, shall be provided between the mobile home park district and any adjoining property or property immediately across the alley which is zoned for residential purposes other than for mobile homes.
2. In lieu of a fence or wall, a landscape buffer may be provided not less than fifteen (15) feet in width, and said landscape buffer shall be planted with coniferous and deciduous plant material so as to provide screening for the park.
3. When the landscape buffer is used in lieu of the fence or wall, the landscape buffer shall not be included as any part of a required rear yard for a mobile home unit.
4. The fence, wall, or landscape buffer shall be properly policed and maintained by the owner.

O. *Accessory Buildings/Garages*

1. Accessory buildings used primarily for storage shall be permitted on individual interior lots, with the following requirements:
 - a. Shall be located no closer than five (5) feet from any Mobile Home.
 - b. Shall be setback a minimum of three (3) feet from any individual interior lot line.
 - c. Shall be setback a minimum of twenty-five (25) feet from the mobile home park interior street.
 - d. Shall be setback a minimum of fifty (50) feet from any public street located outside the mobile home park.
2. Accessory garages used for the storage of motor vehicles shall be permitted on individual interior lots, with the following requirements:
 - a. Shall be located no closer than ten (10) feet from any Mobile Home.
 - b. Shall be setback a minimum of three (3) feet from any individual interior lot line.
 - c. Shall be setback a minimum of twenty (20) feet from the mobile home park interior street.
 - d. Shall be setback a minimum of fifty (50) feet from any public street located outside the mobile home park.
3. Carports may be attached to a mobile home provided that:
 - a. Car port structure is considered part of a mobile home structure and must maintain the same setback requirements as the mobile home unit.
 - b. Car port shall be in good repair, meet manufacturer standards, and be in conformance with the color scheme of the mobile home to which it is applied.
 - c. Car port structure shall only be enclosed on the side attached to the mobile home unit.

P. *Outdoor Storage*

Owner/manager of mobile home park shall discourage outdoor storage of any materials, equipment, or refuse containers by providing appropriate storage facilities such as an enclosed storage building or solid fence enclosure.

Q. *Utilities*

Each individual interior lot shall be served with water and sanitary sewer utilities, and shall have separate shut-offs as required by city utility regulations, and service facilities for bathing, laundry, etc., as required by the State and County regulations. Dedicated easements shall be granted for city access to said shutoffs.

R. *Procedure*

1. A Site Development Plan shall be filed with the Application for Rezoning as an Amendment to the Zoning Map showing the buffer areas for landscape plantings, the layout of individual interior lots, the access roads or drives, utilities distribution system, service facilities, earth grading plan, and such other information necessary to determine whether the proposed development conforms with the provisions of the Primary Zoning District to which it is appended; and such development plans, diagrams, and calculations shall become a part of the amendment and shall be the basis for the issuance of a building permit in conformity therewith.
2. Development Plan alterations which increase the number of dwelling units the arrangement of individual interior lots, and roadway or driveway alignment shall require a resubmission for approval of the application for rezoning. Any minor changes or adjustments in the individual interior lot lines, or decrease in the number of dwelling units may be approved by the City Council without resubmission.

S. *Other Applicable Provisions*

1. The entire mobile home park shall be considered as one (1) zoned lot.
2. An office shall be provided for conducting business pertaining to the mobile home park. Said office may be located in a mobile home residence.
3. Mobile homes shall comply with all other applicable City Ordinances.

Section 5.11 RT Residential Transition

1. Intent. The Residential Transition District is intended to provide an area within the community where existing residential uses can continue to exist; while allowing for expansion of professional office and/or business uses into the district. This district should provide a connecting link from the downtown vicinity to the highway development. The structures in this area should continue as residential in character; including any new construction.
2. Permitted Uses
 - a. Single family dwellings.
 - b. Single family attached dwellings (Maximum of four dwelling units per structure).
 - c. Two-family (duplex) dwellings.
 - d. Business services including: insurance, real estate, offices, credit services, security brokers, dealers and exchange, title abstracting, legal services, accounting services, finance services and investment services.
 - e. Personal services such as barber shops, beauty salons, reducing salons, and photographic studios.
3. Conditional Uses:
 - a. Public utility main transmission lines including substations, distribution centers, regulator stations, pumping, treatment facilities, storage, equipment buildings, garages, towers, or similar public service uses.
 - b. Child care center and child care home II
 - c. Mortuaries, funeral homes and funeral chapels
 - d. Home Businesses, subject to Section 8.07
 - e. Domestic kennel
 - f. Keeping of poultry, subject to Section 8.09
4. Accessory Uses:
 - a. Buildings and uses customarily incidental to the permitted uses. No accessory buildings shall exceed the ground floor coverage of the principal building.
 - b. Child care home I
 - c. Home occupations, subject to Section 8.07
 - d. Signs as provided for in Article 7.
 - e. Parking as provided for in Article 8.
5. *Temporary Uses*

Such uses require a permit from the city and shall be valid for only a specific amount of time as indicated on said permit.

 - a. Temporary structure for festivals or commercial events on commercial property
 - b. Temporary structures as needed for sidewalk and other outdoor sales events on commercial property.
 - c. Buildings and uses incidental to construction work which shall be removed upon completion or abandonment of the construction work.
 - d. Firework sales associated with commercial uses subject to provisions of Municipal Code.

6. Height and Lot Requirements:
 a. The height and minimum lot requirements shall be follows:

	<u>Lot Area</u>	<u>Lot Width</u>	<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>	<u>Maximum Height</u>	<u>Lot Coverage</u>
Single Family Dwelling*** (existing development)	6,100	44'	25'	10'	25'	35'	35%
Single Family Dwelling*** (future development)	7,000	70'	25'	10'	25'	35'	40%
Two Family Dwellings*** (per dwelling unit)	4,000	70'	25'	10'	25'	35'	40%
Three and Four units*** (per dwelling unit)	3,000	75'	25'	(*)	25'	35'	35%
Other Permitted Uses	10,000	80'	25'	10'	30'	30'	25%
Accessory Buildings	---	---	50'	10'	10'****	15'	10%**

- * For Multi-Family units the side yard shall be 10 feet if it is a 3-story structure, and 2 feet additional side yard on each side shall be provided for each story in excess of 3 stories.
- ** Provide total area of accessory structure for single family does not exceed 750 sq. ft. and the total lot coverage of all buildings does not exceed 40%.
- *** On Corner Lots the following criteria apply to setbacks. In existing developed areas, the Street Side Yard setback may conform to existing setbacks of existing structures along that street. For means of comparison, a structure shall be compared to other dwelling units on the same side of the street, and one block on each side. In new developments, the Street Side Yard setback shall be equal to the Front Yard setback.
- **** Setback for buildings less than 100 square feet in size may be reduced to five (5) feet provided such structure is located no closer than 20 feet to another accessory building on an adjacent property.

Section 5.12 B-1 General Business District

- A. *Intent.* The General Commercial District is intended to provide a compact area of retail and office uses to serve portions of the community. The edge of such districts shall be designed to provide compatibility with residentially zoned properties
- B. *Permitted Uses*
1. Retail and Service establishments carried on within an enclosed building.
 2. Business services such as banks; insurance; real estate; offices; postal stations; printing; credit services; security brokers, dealers, and exchange; title abstracting, savings and loans; finance services; and investment services
 3. Clothing and apparel services, such as dressmaking, millinery, shoe repair, furrier, and tailors.
 4. Cleaning establishments such as laundromats, dry cleaning and laundries
 5. Equipment sales and services such as radio and television shops, business machines, musical instrument shops, sewing machines, plumbing and heating and electrical fixtures
 6. Personal services such as barber shops, beauty salons, reducing or weight loss salons, and photographic studios
 7. Retail stores such as food markets, delicatessen, bakery, candy store, fruit and vegetable store, department store, drug stores, haberdasheries, books and stationery, newspaper distribution, shoe and apparel shops, hobby, camera and sporting goods, dry goods, furniture, household appliances, home furnishings, hardware, gift, jewelry, variety stores, retail mail order stores, confectionery, retail dairy stores, men's and boy's clothing and furnishings store, radio, electronics and music store, retail liquor store, antiques, cigar and tobacco, retail paint stores, flower shops, wallpaper, drapery, or floor covering store, convenience mart (with gasoline sales) and camera shops.
 8. Food service, such as eating and drinking establishments
 9. Motels, hotels
 10. Civic and cultural facilities including auditoriums, civic centers, fire stations and other safety services facilities
 11. Professional services, such as medical and health services, legal services, engineering, architectural, educational, accounting, planning, management consulting, police and security services
 12. Public overhead and underground local distribution utilities.
 13. Mortuaries, funeral homes, and funeral chapels.
 14. Transportation depots such as railroad passenger station, bus station.
 15. Cocktail lounges and taverns.
- C. *Permitted Conditional Uses*
1. Retail lumberyard and building materials sales yards
 2. Retail farm implements, equipment, supplies, and feed
 3. Auto sales and service.
 4. Utility substations and communications
 5. Churches, temples, seminaries, and convents including residences for teachers and pastors.
 6. Wholesale distribution houses and warehouses
 7. Carting, express and hauling truck terminals
 8. Second-hand stores and auction activities within an enclosed building
 9. Gasoline service stations with service and/or repair
 10. Retail tires, batteries, accessories, and service
 11. Retail boats, marine crafts, and accessories
 12. Auto repair services
 13. Auto wash services
 14. Recreational establishments such as bowling alleys, billiard halls.
 15. Furniture repair and re-upholstery services
 16. Laundry pickup and delivery stations.

17. Drive-in restaurants.
18. Printing and publishing.
19. Satellite dish antennas that conform to the supplementary regulations of this Ordinance
20. Child care center
21. Offices or headquarters for services such as plumbers, electricians, and other trades, when such uses is consistent with a commercial district.
22. Outdoor Storage Containers, limited to two containers per business and subject to Section 8.18

D. *Accessory Uses*

1. Building uses customarily incidental and accessory to the permitted principal uses
2. Living quarters used by watchman or custodians of the commercially used property
3. Parking lots, off-street, public, and private
4. Parking as allowed in Article 8.
5. Signs allowed in Article 7.

E. *Temporary Uses*

Such uses require a permit from the city and shall be valid for only a specific amount of time as indicated on said permit.

1. Temporary structure for festivals or commercial events
2. Temporary structures as needed for sidewalk and other outdoor sales events.
3. Buildings and uses incidental to construction work which shall be removed upon completion or abandonment of the construction work.
4. Firework sales subject to provisions of Municipal Code.
5. Temporary food service or merchandise sale from vehicles or trailers on private or public parking lots.

F. *Height and Area Requirements*

	Lot <u>Area</u>	Lot <u>Width</u>	Front <u>Yard</u>	Side <u>Yard</u>	Rear <u>Yard</u>	Max. <u>Height</u>
Permitted Uses	3,500'	50'	20' ³	0' ¹	0'	35' ²

1. Side yard 10 Feet when abutting a zone requiring a side yard and 25 feet for front yards.
2. Special Provisions. Any building over two (2) stories in height permitted in Commercial District shall be so designed to provide for adequate light and air so that any part of such building above the second story shall be no closer than twenty (20) feet perpendicular distance from the vertical extension of any lot boundary.
3. Front Yard may be reduced to less than 25' or the same setback as 50% or more of the buildings in the same block

G. *Use Limitations:*

1. When adjacent to residentially zoned land, no parking, drives or signs shall be allowed in the required front yard within fifteen (15) feet of such district. Furthermore, permanent screening shall be provided in this area in order to minimize impacts on residentially zoned property.

Section 5.13 B-2 Downtown Business District

- A. *Intent.* The Downtown Business District is intended to establish standards that will foster and maintain an area within the district boundaries that will benefit the retail trade, business, cultural, and social activities of the entire community.
- B. *Permitted Uses*
1. Clothing and apparel services, such as dressmaking, millinery, shoe repair, furrier, and tailors.
 2. Business services such as banks; insurance; real estate; offices; postal stations; printing; credit services; security brokers, dealers, and exchange; title abstracting; savings and loans; finance services; and investment services
 3. Child Care Center
 4. Theaters, fraternal and cultural facilities.
 5. Self-service cleaning establishments including: laundromats and laundries.
 6. Equipment sales and services such as radio and television shops, business machines, musical instrument shops, sewing machines, plumbing and heating and electrical fixtures
 7. Personal services including tattoo parlors, salons offering permanent cosmetics, and other such service uses as barber shops, beauty salons, reducing or weight loss salons, and photographic studios
 8. Retail stores such as delicatessen, bakery, candy store, fruit and vegetable store, department store, drug stores, haberdasheries, books and stationery, newspaper distribution, shoe and apparel shops, hobby, camera and sporting goods, dry goods, furniture, household appliances, home furnishings, hardware, gift, jewelry, variety stores, confectionery, men's and boy's clothing and furnishings store, radio, electronics and music store, antiques, cigar and tobacco, retail paint stores, flower shops, wallpaper, drapery, or floor covering store and camera shops.
 9. Food service, such as eating and drinking establishments
 10. Recreational establishments such as bowling alleys, billiard halls
 11. Transportation depots, such as railroad passenger stations and bus stations
 12. Public buildings, assembly halls, auditoriums, civic centers
 13. Professional services, such as medical and health services, legal services, engineering, architectural, educational, accounting, planning, management consulting, police and security services
 14. Cocktail lounges, taverns and retail liquor stores.
 15. Mortuaries, funeral homes, and funeral chapels.
- C. *Permitted Conditional Uses*
1. Residences in conjunction with the principle use when located above the ground floor or rear of building and subject to Subsections F and G.
 2. Retail lumberyard and building material sales yards
 3. Retail farm implements, equipment, supplies, and feed
 4. Retail open-air auto sales
 5. Utility substations
 6. Wholesale distribution houses and warehouses
 8. Carting, express and hauling truck terminals
 9. Second-hand stores and auction activities within an enclosed building
 10. Retail gasoline service stations
 11. Retail tires, batteries, accessories, and service
 12. Retail boats, marine crafts, and accessories
 13. Auto repair services
 14. Auto wash services
 15. Furniture repair and upholstery services
 16. Satellite dish antennas that conform to the supplementary regulations of this Ordinance
 17. Outdoor Storage Containers, limited to two containers per business and subject to Section 8.18
 18. Churches, temples, seminaries, and convents including residences for teachers and pastors.
 19. Motels, hotels
 20. Printing and publishing.

21. Convenience mart (with gasoline sales).
22. Exterior modifications, alterations, signage
23. Auto dealerships and related service garages
24. Showroom display, sales and fabrication of cabinetry and millwork where shop hours are limited to 7:00 A.M. through 9:00 P.M. and the business consists of less than ten (10) employees.
25. Offices or headquarters for services such as plumbers, electricians, and other trades, when such uses is consistent with a commercial district.

D. *Accessory Uses*

1. Building uses customarily incidental and accessory to the permitted principal uses
2. Living quarters used by watchman or custodians of the commercially used property
3. Parking lots, off-street, public, and private
4. Parking as permitted in Article 8.
5. Signs allowed in Article 7.

E. *Temporary Uses*

Such uses require a permit from the city and shall be valid for only a specific amount of time as indicated on said permit.

1. Temporary structures as needed for sidewalk and other outdoor sales events.
2. Buildings and uses incidental to construction work which shall be removed upon completion or abandonment of the construction work.
3. Temporary structure for festivals or commercial events.
4. Firework sales subject to provisions of Municipal Code.
5. Temporary food service or merchandise sale from vehicles or trailers on private or public parking lots.

F. *Height and Area Requirements*

	<u>Lot Area</u>	<u>Front Yard</u>	<u>Side* Yard</u>	<u>Rear Yard</u>	<u>Max. Ht.</u>
Permitted Uses	3,500'	0'	0'	0'	45'

* 10 feet when abutting a zone requiring a side yard and 20 feet for any street side yards. Such side yard shall not be used for parking, drives, storage or signs.

G. *Downtown Residential, Group Residential, and Group Care uses permitted in the B-2 District are subject to the following conditions*

1. Downtown Residential and Group Residential uses are permitted in the B-2 District only on levels above street level except that a unit specifically designed for occupancy by disabled residents or senior citizens may be developed at street level, subject to approval by the City Council with the recommendation of the Planning Commission.
2. Residents of units must be informed by the owner of the building that lawful commercial uses have priority over residential uses.
3. All upper level apartments must have two separate means of egress.
4. One parking space marked and reserved for tenants must be provided for each unit. This parking space shall be located within a maximum distance of 300 feet of the unit.

H. *In order to maintain the character of mixed use urban corridors within Ashland, the following design standards shall apply to any office or commercial use developed within the B-2 District*

1. No street-facing façade may have a continuous length of 100 feet or over without an offset in the building elevation equal to a dimension of at least five feet.

2. Window area on each façade shall be equal to at least 20% of the area of that façade. All window coverings shall be of cloth or of acceptable material that is consistent within the district.
 3. Exterior materials shall be brick, stone, masonry, wood clapboard, or other exterior materials typical of exterior building materials in common use in Ashland's residential districts or town center business district. Any building with facades in which metallic materials comprise more than 25% of the total area of all facades shall require approval as a Conditional Use by the Planning Commission.
 4. Each site design shall provide a clear and safe method of pedestrian circulation along the street right-of-way and between the street right-of-way and a principal customer entrance of the business.
- I. Uses in the B-2 Downtown Commercial District are exempt from the off-street parking requirements, except for those permitted or conditional uses that involve large assemblies or overnight parking, such as churches, motels, hotels, auditoriums, and residential uses.

Section 5.14 B-3 Highway Business District

- A. *Intent.* The intent of this district is to provide for those trade services, cultural and recreational uses that are appropriate to be developed in conjunction with a highway or major street, thereby offering a desired convenience in location and accessibility to the motoring public. Adult Establishments are permitted uses in this Zoning District, but are regulated to control the negative secondary effects of these uses, as set forth in Article 8, Section 8.17. This district adds certain design standards in comparison to zoning districts located along US Highway 6 and Nebraska Highways 63 and 66. They are designed to promote:
- a. Safe traffic circulation on and off and across the highway.
 - b. A high quality of design and site planning.
 - c. Flexibility in development in order to provide an attractive, viable employment corridor.
- B. *Permitted Uses*
1. Agriculture on more than ten (10) acres.
 2. Public or semi-public buildings on more than ten (10) acres.
 3. Clothing and apparel services, such as dressmaking, millinery, shoe repair, furrier, and tailors.
 2. Business services such as banks; insurance; real estate; offices; postal stations; printing; credit services; security brokers, dealers, and exchange; title abstracting; savings and loans; finance services; and investment services
 3. Child Care Center
 4. Equipment sales and services such as radio and television shops, business machines, musical instrument shops, sewing machines, plumbing and heating and electrical fixtures
 7. Personal services such as barber shops, beauty salons, reducing salons, and photographic studios, excluding tattoo parlors.
 8. Retail stores such as delicatessen, bakery, candy store, fruit and vegetable store, department store, drug stores, haberdasheries, books and stationery, newspaper distribution, shoe and apparel shops, hobby, camera and sporting goods, dry goods, furniture, household appliances, home furnishings, hardware, gift, jewelry, variety stores, confectionery, men's and boy's clothing and furnishings store, radio, electronics and music store, antiques, cigar and tobacco, retail paint stores, flower shops, wallpaper, drapery, or floor covering store and camera shops.
 9. Food service, such as eating and drinking establishments
 10. Transportation depots, such as railroad passenger stations and bus stations
 12. Public buildings, assembly halls, auditoriums, civic centers
 13. Professional services, such as medical and health services, legal services, engineering, architectural, educational, accounting, planning, management consulting, police and security services
 14. Cocktail lounges, taverns and retail liquor stores.
 15. Mortuaries, funeral homes, and funeral chapels.
 16. Lumber yards, hardware stores and building material sales yards.
 17. Veterinarian or animal hospital, provided any such building, kennel, or exercise runway is located at least one hundred (100') feet away from any (R) District boundary.
 18. When located at least one hundred (100') feet away from any (R) District Boundary: Bowling alley, Drive-In restaurant or similar establishment, Drive-in theater, theaters, fraternal and cultural facilities. and other similar place of entertainment or amusement.
 19. Adult Establishments.
- C. *Permitted Conditional Uses*
1. Satellite dish antennas that conform to the supplementary regulations of this Ordinance
 2. Child care center
 3. Outdoor Storage Containers, limited to two containers per business and subject to Section 8.18
 4. Apartments above a store or shop.
 5. Living quarters used by watchmen or custodians of the commercially used property.
 6. Offices or headquarters for services such as plumbers, electricians, and other trades, when such uses is consistent with a commercial district.

7. Automobile display, sales, service, and repair.
8. Motels, hotels and trailer campgrounds.
9. Commercial greenhouse.
10. Golf driving ranges, miniature golf.

D. *Accessory Uses*

1. Building and uses customarily incidental to the permitted uses
2. Parking lots: off-street, public, and private
3. Parking as permitted in Article 8.
4. Signs allowed in Article 7.

E. *Temporary Uses*

Such uses require a permit from the city and shall be valid for only a specific amount of time as indicated on said permit.

1. Temporary structures as needed for sidewalk and other outdoor sales events.
2. Buildings and uses incidental to construction work which shall be removed upon completion or abandonment of the construction work.
3. Temporary structure for festivals or commercial events.
4. Firework sales subject to provisions of Municipal Code.

F. *Height and Area Requirements*

The height and minimum lot requirements shall be as follows:

	<u>Lot Area</u>	<u>Lot Width</u>	<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>	<u>Max. Ht.</u>
Permitted Uses	5 acres*	150'	25'**	10'	25'	35'

* Lots served by city water and sewer may conform to a minimum lot size of 10,000 square feet.

** 25' front yard setback required only when no parking is present in the front yard. If parking is located in the front yard then front yard setback is a minimum of 50'.

G. *Use Limitations*

- a. Thirty-five percent (35%) of the required front yard shall be maintained in a landscaped yard.
- b. Signs: One pole sign not to exceed thirty (30) feet in height and set back such as not to allow signage to project over the front property line, and one wall sign affixed to the side of a principle permitted building. Maximum size: one hundred (100) square feet.
- c. No lot may take access directly from the Highway unless permitted by the State of Nebraska Department of Roads.
- d. When a property owner or a developer intends to develop a property already zoned B-3, he/she shall file together with the building permit or rezoning application, a detailed Site Development Plan and such other drawings, data, calculations, sketches, or diagrams that shall provide reasonable and adequate information to show the location, size, arrangement, and capacity for all areas to be used for highway frontage road, parking, loading and unloading, and vehicular access to streets so that vehicular and pedestrian traffic generated to and from the proposed development will not create undue hazards to the normal traffic movement on the existing streets and highways. These plans and documents shall become a part of the application and shall form the basis for the issuance of a building permit. Any plan changes that change the vehicular accesses, parking layout or building size or location shall require a resubmission for approval.

Section 5.15 FX Flex District

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- A. *Intent.* The intent of the Flex District is to provide standards for area suitable for some commercial, office, light industrial, wholesaling 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. The Flex District is also intended to provide support uses, including complimentary office and retail use complementing the general land use pattern of the county and assisting the implementation of the adopted goals and policies of Adams County. Adult Establishments are permitted uses in this Zoning District, but are regulated to control the negative secondary effects of these uses, as set forth in Article 8, Section 8.17.
- B. *Permitted Uses*
1. Agriculture on more than ten (10) acres.
 2. Public or semi-public buildings on more than five (5) acres.
 3. Clothing and apparel services, such as dressmaking, millinery, shoe repair, furrier, and tailors.
 4. Business services such as banks; insurance; real estate; offices; postal stations; printing; credit services; security brokers, dealers, and exchange; title abstracting; savings and loans; finance services; and investment services
 5. Automobile display, sales, service, and repair.
 6. Motels, hotels and trailer campgrounds.
 7. Commercial greenhouse.
 8. Golf driving ranges, miniature golf.
 9. Lumber yards, hardware stores and building material sales yards.
 10. Veterinarian or animal hospital, provided any such building, kennel, or exercise runway is located at least one hundred (100') feet away from any (R) District boundary.
 11. When located at least one hundred (100') feet away from any (R) District Boundary: Bowling alley, Drive-In restaurant or similar establishment, Drive-in theater, and other similar place of entertainment or amusement.
 12. Public local distribution and main transmission utilities.
 13. Adult Establishments.
- C. *Permitted Conditional Uses*
1. Satellite dish antennas that conform to the supplementary regulations of this Ordinance
 2. Child care center
 3. Outdoor Storage Containers, limited to two containers per business and subject to Section 8.18.
 4. Living quarters used by watchmen or custodians of the commercially used property.
 5. Offices or headquarters for services such as plumbers, electricians, and other trades, when such uses is consistent with a commercial district.
 6. Community Centers and Clubs: uses providing meeting, recreational, or social facilities for a private, nonprofit or noncommercial association, primarily for use by members and guests.
 7. Warehouses and wholesale businesses.
 8. Building materials yards with enclosed and screened storage areas.
 9. Highway maintenance yards or buildings.
 10. Self-storage units.
 11. Assembly, fabrication and processing of products inside an enclosed building, except hazardous or combustible materials.
 12. Laboratories.
- D. *Accessory Uses*
1. Building and uses customarily incidental to the permitted uses
 2. Parking lots: off-street, public, and private
 3. Parking as permitted in Article 8.
 4. Signs allowed in Article 7.
- E. *Temporary Uses*

Such uses require a permit from the city and shall be valid for only a specific amount of time as indicated on said permit.

1. Temporary structures as needed for sidewalk and other outdoor sales events.
2. Buildings and uses incidental to construction work which shall be removed upon completion or abandonment of the construction work.
3. Temporary structure for festivals or commercial events.
4. Firework sales subject to provisions of Municipal Code.

F. *Height and Area Requirements*

The height and minimum lot requirements shall be as follows:

	<u>Lot Area</u>	<u>Lot Width</u>	<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>	<u>Max. Ht.</u>
Permitted Uses	5 acres*	150'	25'**	10'	25'	35'

* Lots served by city water and sewer may conform to a minimum lot size of 10,000 square feet.

** 25' front yard setback required only when no parking is present in the front yard. If parking is located in the front yard then front yard setback is a minimum of 50'.

G. *Use Limitations*

- a. Thirty-five percent (35%) of the required front yard shall be maintained in a landscaped yard.
- b. Signs: One pole sign not to exceed thirty (30) feet in height and set back such as not to allow signage to project over the front property line, and one wall sign affixed to the side of a principle permitted building. Maximum size: one hundred (100) square feet.
- c. No lot may take access directly from the Highway unless permitted by the State of Nebraska Department of Roads.
- d. When a property owner or a developer intends to develop a property already zoned B-3, he/she shall file together with the building permit or rezoning application, a detailed Site Development Plan and such other drawings, data, calculations, sketches, or diagrams that shall provide reasonable and adequate information to show the location, size, arrangement, and capacity for all areas to be used for highway frontage road, parking, loading and unloading, and vehicular access to streets so that vehicular and pedestrian traffic generated to and from the proposed development will not create undue hazards to the normal traffic movement on the existing streets and highways. These plans and documents shall become a part of the application and shall form the basis for the issuance of a building permit. Any plan changes that change the vehicular accesses, parking layout or building size or location shall require a resubmission for approval.

H. *Performance Standards:*
See Section 8.11

Section 5.16 I-1 Light Industrial District

- A. *Intent.* It is the intent of the Light Industrial District Regulations to provide standards for area suitable for some limited industrial, wholesaling and storage activities, to preserve land for the expansion of the basic economic activities, to free these areas from intrusion by incompatible land uses, that these areas should be served with adequate transportation facilities, and that user of this land conduct activities that create low to moderate hazards to adjacent properties. Certain uses that are incompatible or would interfere with industrial development are excluded. Adult Establishments are permitted uses in this Zoning District, but are regulated to control the negative secondary effects of these uses, as set forth in Article 8, Section 8.17.
- B. *Permitted Uses*
1. Assembly, fabrication and processing of products inside an enclosed building, except hazardous or combustible materials.
 2. Laboratories.
 3. Manufacture and assembly of electrical and electronic appliances.
 4. Manufacturing, compounding, processing, packaging, or treatment of articles or merchandise from previously prepared materials.
 5. Manufacture of light sheet metal products including heating and ventilation equipment.
 6. Printing and publishing business.
 7. Stone and monument works.
 8. Public local distribution and main transmission utilities.
 9. Warehouses and wholesale businesses.
 10. Building materials yards with enclosed and screened storage areas.
 11. Highway maintenance yards or buildings.
 12. Self-storage units.
 13. Production of light sheet metal products, including heating and ventilation equipment
 14. Machine shops or other metal working
 15. Storage of farm and agricultural products
 16. Agricultural farms, truck gardens, greenhouses, plant nurseries, orchards, grain storage facilities, and the usual agricultural farm buildings and structures
 17. Building materials and fuel yards
 18. Contractor yards
 19. Fixed plants for processing stone, gravel or clay
 20. Licensed Recreational Vehicle Storage – Out of Doors and /or Within an Enclosed Building
 21. Unlicensed Recreational Vehicle Storage – Out of Doors and/or Within an Enclosed Building
 22. Distribution centers
 23. Animal hospitals
 24. Automotive sales, rental and service within an enclosed building
 25. Adult Establishments.
- C. *Permitted Conditional Uses*
1. Public utility main transmission lines, including substations, distribution centers, regulator stations, pumping stations, treatment facilities, storage, equipment buildings, garages, towers, or similar public service uses
 2. Concrete products manufacture
 3. Farm and industrial equipment manufacture
 4. Farm implement and industrial equipment display and sales establishments
 5. Offices and headquarters for trucking companies
 6. Truck terminals including truck washing facilities
 7. Heavy truck or trailer sales, display, service or repair
 8. Fertilizer storage or processing
 9. Fuel storage
 10. Acetylene gas manufacturing or storage
 11. Cement, lime, gypsum, or plaster-of-paris manufacture

- 12. Boiler works
- 13. Bakery products manufacture
- 14. Feed and forage plants
- 15. Grain mill products manufacture
- 12. Meat products manufacture
- 16. Manufacture, fabrication, or treatment of sheet metal or shaped metal products including such industries as farm machinery, farm equipment, construction materials and machinery, heating, ventilating, plumbing equipment, and household appliances
- 17. Fabrication, manufacture and treatment of lumber or wood products
- 18. Oil, rubber, or leather goods manufacture
- 19. Satellite dish antennas that conform with the supplementary regulations of this Ordinance
- 20. Auction Houses that warehouse sale items and sell said items within the auction facility and/or outside of the auction facility, but on the premises
- 21. Outdoor Storage Containers, not limited in quantity but subject to Section 8.18.
- 22. Storage of Fireworks.
- 23. Radio, television and communication towers and transmitters.
- 24. Mining excavation, sand quarries, and other forms of extraction.
- 25. Community Centers and Clubs: uses providing meeting, recreational, or social facilities for a private, nonprofit or noncommercial association, primarily for use by members and guests.
- 26. Small Wind Energy Systems
- 27. Automobile display, sales, service, and repair.

D. *Accessory Uses*

The following accessory uses are permitted in the LI Light Industrial District:

- 1. Uses customarily incidental to the principal uses
- 2. Off-street parking lots, service area, storage areas, and access roads
- 3. Signs as permitted in Article 7.
- 4. Parking as permitted in Article 8.

E. *Temporary Uses*

Such uses require a permit from the city and shall be valid for only a specific amount of time as indicated on said permit.

- 1. Temporary structures as needed for sidewalk and other outdoor sales events.
- 2. Buildings and uses incidental to construction work which shall be removed upon completion or abandonment of the construction work.
- 3. Temporary structure for festivals or commercial events.
- 4. Firework sales subject to provisions of Municipal Code.
- 5. Temporary food service or merchandise sale from vehicles or trailers on private or public parking lots.

F. *Height and Area Requirements*

The height and minimum lot requirements shall be as follows:

	<u>Lot Area</u>	<u>Lot Width</u>	<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>	<u>Maximum Height</u>
Permitted Uses	10,000	70'	25'	25'	15'	45'

G. *Performance Standards:*

See Section 8.11

Section 5.17 PUB Public and Semi-Public District

1. Intent. The Public and Semi-Public District designates those areas reserved for public use and recreation.
2. Permitted Uses
 - a. Recreational uses including the following: parks, ball fields, swimming pools, soccer fields, trails, and associated uses.
 - b. Other public uses including: cemeteries and fairgrounds.
3. Conditional Uses (reserved)
4. Accessory Uses
 - a. All secondary uses associated with Permitted Uses.
 - b. Parking as allowed in Article 8.
 - c. Signs as allowed in Article 7.

Section 5.18 PUD Planned Unit Development District**A. Intent.**

The intent of the PUD District is to encourage the creative design of new living and retail areas, as distinguished from subdivisions of standard lot sizes, in order to permit such creative design in buildings, open space, and their inter-relationship while protecting the health, safety, and general welfare of existing and future residents of surrounding neighborhoods.

The PUD District is a floating zone. Although the specific conditions within this district are predetermined, the location of a proposed district must be carefully reviewed to assure that these conditions can be met.

B. Recommendation, findings of fact and development sizes.

The planning commission, in its minutes, shall set forth its reasons for recommendation of approval or denial of the application for a PUD District, along with specific evidence and facts showing that the proposal meets or does not meet the following conditions.

1. Said planned unit development shall be in general conformity with the provisions of the Ashland Comprehensive Plan.
2. Said planned unit development shall not have a substantially adverse effect on the development of the neighboring area.
3. The minimum size allowed for a PUD District shall be as follows:
 - a. Residential, two (2) acres;
 - b. Residential – Commercial (combination), four (4) acres;
 - c. Commercial, three (3) acres, except in C-1 District the only one (1) acre;
 - d. Industrial, ten (10) acres;
 - e. Height, bulk, and setback requirements may be varied so as to promote an efficient and creative PUD District.

C. Use regulations.

In a PUD District no building, structure, land, or premises shall be used, and no building shall be erected, constructed, or altered, except for any use permitted in R-2 and R-3 Districts and the commercial and industrial districts. All uses must be approved as shown on the development plan as specified in this division.

D. Standards and conditions for development.

A planned unit development shall not be inconsistent with the following general standards for use of land, and the use, type, bulk, and location of buildings, the density or intensity of use, open space, public facilities, and the development by geographic division of the state:

1. The applicant shall satisfy the planning commission that he has the ability to carry out the proposed plan and shall prepare and submit a schedule of construction. The proposed construction shall begin within a period of twelve (12) months following the approval of the final application by the City Council. A minimum of fifty (50) percent of the total planned construction shown on the final plan shall be completed within a period of five (5) years following such approval or the plan shall expire. The period of time established for the completion of the development may be modified from time to time by the City Council upon review and recommendation by the Planning Commission upon the showing of good cause by the developer.
2. The developer shall provide and record easements and covenants, shall make such other arrangements, and shall furnish such performance bonds, escrow deposit, or other financial guarantees for public improvements as may be determined by the City Council to be reasonably required to assure performance in accordance with the development plan and to protect the public interest in the event of abandonment of said plan before completion.
3. The site shall be accessible from public roads that are adequate to carry the traffic that will be imposed upon them by the proposed development. The streets and driveways on the site of the

- proposed development shall be adequate to serve the residents or occupants of the proposed development.
4. The development shall not impose an undue burden on public services and facilities, such as fire and police protection.
 5. The entire tract or parcel of land to be occupied by the planned unit development shall be held in single ownership or control, or if there are two (2) or more owners, the application for such planned unit development shall be filed jointly by all owners.
 6. The location and arrangement of structures, parking areas, walks, lighting, and appurtenant facilities shall be compatible with the surrounding land uses, and any part of a planned unit development not used for structures, parking and loading areas, or access ways shall be landscaped or otherwise improved.
 7. Off-street parking and loading shall be provided in accordance with the parking and loading regulations.
 8. When a commercial or industrial use within a PUD District abuts a residential district, a solid or semi-solid fence or wall at least six (6) feet high, but not more than eight (8) feet high, and having a density of not less than eighty (80) percent per square foot, shall be provided adjacent to any adjoining residential district; except in the event the adjacent residential district and the commercial developer are separated by a street right-of-way.
 9. Space Limits. All space limit provisions of the primary zone to which the PUD District is appended shall be adhered to, except as modified by plans filed in accordance with the provisions of this zone. In the event the parcel lies in more than one zone, the designed layout may use the various space limits in proportion as the area of each zone relates to the entire parcel, provided that each portion developed contains a proportional share or more of the least dense development in such a manner that the space limit proportions shall be maintained in the event of less than full development. Lot area shall be at least equal to the minimum lot area per dwelling unit required in the primary zone to which the PUD District is appended, and shall also provide that no lot shall be platted with less than three-fourths (3/4) of the lot area in the primary zoning requirement. Any other space limits may be varied from those listed under the primary zone in order to satisfy the purpose of the PUD District classification. Additional space limits may be established as required and with absolute minimum space limits as follows:

Minimum front yard:	15 feet
Minimum side yard:	5 feet
Minimum rear yard:	20 feet
Maximum height of building:	35 feet
- Additional setback from a heavily traveled thoroughfare may be required, when found reasonable by the Planning Commission and City Council for the protection of health, safety, and general welfare.
10. Building coverage shall not exceed the following percentages of the net developable area of each individual parcel of the total development for each type of planned unit development:
 - Residential, forty (40) percent maximum;
 - Commercial, sixty (60) percent maximum.
 - Industrial, sixty-five (65) percent maximum.
 11. A minimum of thirty (30) percent of the net area of that part of a planned unit development reserved for residential use shall be provided for open space as defined by these regulations under Section 16 below. Common open space for the leisure and recreation of PUD residents only shall be owned and maintained in common by them, through a homeowner's association.
 12. The PUD District shall include such provisions for the ownership and maintenance of the common open spaces as are reasonably necessary to insure its continuity, care, conservation, and maintenance, and to insure that remedial measures will be available to the City Council if the common open space is permitted to deteriorate, or is not maintained in a condition consistent with the best interests of the planned unit development or of the entire community.

13. No residential use shall have direct access onto an arterial street.
14. All commercial areas must have access via a collector or arterial street; however, no individual commercial use may have direct access onto collector or arterial streets, unless developed as a pad site within the overall development.
15. Sidewalks shall be built to City specifications along all public and private streets; however, an alternative pedestrian and sidewalk plan may be developed which provides pedestrian access between each use in the planned unit development.
16. Open space as defined under this zoning district shall mean land area of the site not covered by buildings, parking, structures, or accessory structures, except recreational structures. Common open space as defined under this zoning district shall mean open space which is accessible and available to all occupants in common by a homeowner's condominium's or resident's association.
17. When a developer intends to design a new concept development, the Planning Commission and City Council may grant lesser front, side, and rear yard setbacks, including zero (0) lot line setbacks.
18. All developments shall use sustainable storm water management practices and maintenance of natural drainage patterns, incorporating water courses into the design of neighborhoods and business park features.

E. Application for approval of Preliminary PUD.

1. An application for a PUD shall be handled in the same manner prescribed for amending this Ordinance. The same requirements for notice, advertisement of public hearing, protests, and adoption shall be required as zoning changes.
2. The applicant shall prepare and submit fifteen (15) folded copies of the preliminary development plan for review and approval by the planning commission. Said preliminary shall include a site plan showing:
 - a. Contours at intervals of two (2) feet or spot elevations on a one hundred foot grid shall be required on flat land;
 - b. Location, size, height, and use of all proposed structures in conformance with the yard requirements;
 - c. All points of ingress and egress, driveways, circulation aisles, parking lots, parking spaces, and service areas;
 - d. All streets adjoining subject property and the width of the existing right-of-way;
 - e. Areas set aside for public and private open space with the type of recreational facilities planned for each are indicates;
 - f. Designation of individual parcels if the proposed development is to be set up in separate construction phases;
 - g. Designation of individual lots if such lots are proposed to be sold to individual owners;
 - h. Location of required screening;
 - i. Location of natural features such as ponds, tree clusters, and rock outcropping;
 - j. Existing development on adjacent properties within two hundred (200) feet.
3. The above-described site plan shall also include a section designated as "general provisions," and said section shall include the following when, said items are applicable:
 - a. Net area in square feet or acres. (*Note:* Net area does not include land dedicated or necessary to be dedicated for public street right-of-way. If more than one parcel is proposed, designate net area by parcel as well as total net area.)
 - b. Density of dwelling units per acre of the total dwelling units for the entire plan.
 - c. Building coverage of the net area of the planned unit development by individual parcel or total development.
 - d. The percentage of the development plan provided for common open space as defined by this regulation. (*Note:* Normally, this figure should be approximately fifty (50) percent.)
 - e. If more than one parcel is proposed, a statement relating to the sequence of development shall be included.
 - f. Required number of off-street parking spaces.

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- g. Gross floor area proposed for commercial buildings.
 - h. All proposed land uses shall be listed by parcel.
4. A statement or adequate drawings shall be included describing the manner for the disposition of sanitary waste and storm water.
 5. The full legal description of the boundaries of the property or properties shall be included in the planned unit development.
 6. A vicinity map, shall be included, showing the general arrangement of streets within an area of one thousand (1,000) feet from the boundaries of the proposed planned unit development.
 7. A description, rendering or drawing of the general characteristics of the proposed buildings may be submitted if the applicant desires.
 8. When a planned unit development includes provisions for common space, or recreational facilities, a statement describing the provision that is to be made for the care and maintenance for such open space be owned and/or maintained by any entity other than a governmental authority, copies of the proposed articles of incorporation and bylaws of such entity shall be submitted.
 9. Copies of any restrictive covenants that are to be recorded with respect to property included in the planned development district.
 10. The Planning Commission shall hold a Public Hearing on the preliminary PUD after the PUD has been reviewed by City of Ashland staff after giving notice as required by Statute for hearings in amendments.
 11. Said public hearing may be adjourned from time to time and, within a reasonable period of time after the conclusion of said public hearing, the Planning Commission shall prepare and transmit to the City Council and the applicant specific findings of fact with respect to the extent which the preliminary plan complies with those regulations, together with its recommendations in respect to the action to be taken on the preliminary PUD. The planning commission may recommend disapproval, approval, or approval with amendments, conditions or restrictions.
 12. The City Council may or may not approve the preliminary development plan and authorize the submitting of the final development plan.
 13. Substantial or significant changes in the preliminary PUD shall only be made after rehearing and re-approval.

F. Final approval.

1. After approval of a preliminary plan and prior to the issuance of any building permit, the applicant shall submit an application for final approval with City staff. Said final application may include the entire PUD District or may be for a unit or section thereof as set forth in the approval of the preliminary plan. The application shall include fifteen (15) folded copies of such drawings, specifications, covenants, easements, conditions, and form of performance bond as set forth in the approval of the preliminary plan and in accordance with the conditions established in this Ordinance for a PUD District. The final plan shall include the same information as the preliminary plan except the following shall also be provided:
 - a. A surveyor's certificate certifying to the accuracy of the boundary surveys shown.
 - b. Location, names, tangent lengths, centerline radius of each curve and its interior width and angle of all proposed public right-of-way;
 - c. All easements and appropriate building setback lines;
 - d. All lot lines, and lot dimensions including chord distances for curvilinear lot lines;
 - e. Lot and/or parcel numbers;
 - f. Location, size, height, and use of all proposed or present buildings;
 - g. Dedication of all streets, public highways, or other land intended for public use, signed by the owner and by all other parties who have a mortgage or lien interest in the property, together with any restrictions or covenants which apply to the property.
 - h. A waiver of claim by the applicant for damages occasioned by the establishment of grades or the alteration of the surface of any portion of streets and alleys to conform to grades established.

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- i. A plan submitted for final approval shall be deemed to be in substantial compliance with the plan previously given tentative approval, provided any modification of the plan by the landowner is tentatively approved does not:
 - i. Vary the proposed gross residential density or intensity of use by more than five (5) percent or involve a reduction in the area set aside for common open space, nor the substantial relocation of such area; nor
 - ii. Increase by more than ten (10) percent the floor area proposed for non-residential use; nor
 - iii. Increase by more than five (5) percent the total ground area covered by buildings nor involve a substantial change in the height of buildings.
 - iv. Substantially change the design of the plan so as to significantly alter:
 - (a) Pedestrian or vehicular traffic flow.
 - (b) The juxtaposition of different land uses.
 - (c) The relation of open space to residential development.
 - (d) The proposed phasing of construction.
 - (e) Proposed use of one or more buildings to a more intensive use category as delineated in this Ordinance.
 2. A public hearing need not be held for the approval of a final plan if it is in substantial compliance with the approved preliminary plan. The Planning Commission shall review the final plan for compliance, upon review and comment by the City of Ashland staff, with the approved preliminary plan. Upon review approval, said final plan shall be filed with the City Council for final approval and acceptance.
 3. In the event that the final plan submitted contains substantial changes from the approved preliminary development plan, the applicant shall resubmit the original plan. This preliminary development plan shall be modified in the same manner prescribed in this division as for original approval.

G. Density Bonuses

1. The use of the PUD District, in conjunction with Conservation Easements, will allow a developer of a Subdivision to institute Density Bonuses.
2. Density Bonuses may be awarded in direct proportion to the amount of the proposed Subdivision that is placed within a Conservation Easement.

For example:

If a developer places 30% of the proposed Subdivision into a Conservation Easement, then the required Lot Area may be reduced by 30% in order to maintain the same number of lots that would have been allowed by the Subdivision lot area and the minimum lot size of the Zoning District.

Normal Development

- A developer has 10 acres of land to develop = 435,600 square feet
- Minimum lot area of the Zoning District = 10,000 square feet
- Total lots (minus streets) = 43.56

Development with Conservation Easements

- Same site of 10 acres = 435,600 square feet
- 30% of site is placed in a Conservation Easement = 130,680 square feet
- Density Bonus allows total lots of 43.56
- New minimum lot area for Subdivision = 7,000 square feet

3. Density Bonuses shall not be a means for a developer to lower the Minimum Lot Area within a Subdivision to below three (3) acres, when said lots are on private wells and septic systems. All

lots shall be required to meet the criteria established for wells and septic systems as regulated by the Nebraska Department of Environmental Quality.

H. Enforcement and modification of plan.

To further the mutual interest of the residents and owners of the planned unit development and of the public in the preservation of the integrity of the PUD plan, as finally approved, and to insure that modifications, if any, in the plan shall not impair the reasonable reliance of the said residents and owners upon the provisions of the plan, nor result in changes that would adversely affect the public interest, the enforcement and modification of the provisions of the plan as finally approved, whether recorded by plan, covenant, easement or otherwise, shall be subject to the following provisions:

1. The provisions of the plan relating to:
 - a. The use of land and the use, bulk, and location of buildings and structures; and
 - b. The quality and location of common space; and
 - c. The intensity of use or the density of residential units shall run in favor of the City and shall be enforceable in law or in equity, by the City, without limitation on any powers or regulation otherwise granted by law.
2. All provisions of the plan shall run in favor of the residents and owners of the planned development, but only to the extent expressly provided in the plan and in accordance with the terms of the plan, and to the extent said provisions, whether recorded by plat, covenant, easement, or otherwise, may be enforced at law or equity by said residents and owners acting individually, jointly, or through an organization designated in the plan to act on their behalf; provided, however, that no provisions of the plan shall be implied to exist in favor of residents and owners of the planned unit development except as to those portions of the plan which have been finally approved and have been recorded.

I. Amendments.

The PUD District ordinance or an approved preliminary or final development plan may be amended in the same manner prescribed in this division for approval of a preliminary or final plan. Application for amendment may be made by the homeowner's association or fifty-one (51) percent of the owners of the property within the PUD District.

J. Platting.

For unplatted tracts or tracts being replatted, the approval of the preliminary PUD shall be considered as the approval of a preliminary plat. To complete the platting process, the applicant need only submit a final plat. Said final plat shall be in accordance with the subdivision regulations, except the scale shall be either one hundred (100) feet, fifty (50) feet, or twenty (20) feet to the inch.

K. Fees.

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

1. Preliminary PUD; as set in the Master Fee Schedule
2. Final PUD; as set in the Master Fee Schedule

These fees are separate and do not include any Preliminary and Final Plat Fees required by the City of Ashland.

Section 5.19 FF/FW Flood Plain Overlay District

A. Statutory Authorization, Findings of Fact and Purposes

1. *Statutory Authorization*

The Legislature of the State of Nebraska has delegated the responsibility to local governmental units to adopt zoning regulations designed to protect the public health, safety and general welfare. The Legislature, in Sections 31-1001 to 31-1022, R.R.S. 1943, has further assigned the responsibility to adopt, administer, and enforce floodplain management regulations to the county, city or village with zoning jurisdiction over the flood-prone area.

2. *Findings of Fact*

a. Flood Losses Resulting from Periodic Inundation

The flood hazard areas of Ashland, Nebraska, are subject to inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare.

b. General Causes of the Flood Losses

These flood losses are caused by: (1) The cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, (2) The occupancy of flood hazard areas by uses vulnerable to floods or hazardous to others, which are inadequately elevated or otherwise unprotected from flood damages.

c. Methods Used to Analyze Flood Hazards

This ordinance uses a reasonable method of analyzing flood hazards which consists of a series of interrelated steps.

- i. Selection of a regulatory flood which is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The base flood is selected for this ordinance. It is representative of large floods which are reasonably characteristic of what can be expected to occur on the particular streams subject to this ordinance. It is in the general order of a flood which could be expected to have a one percent (1%) chance of occurrence in any one year, as delineated on the most current Federal Insurance Administration's Flood Insurance Study, and illustrative materials dated April 5, 2010 as amended, and any future revisions thereto.
- ii. Calculation of water surface profiles based on a hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the base flood.
- iii. Computation of the floodway required to convey this flood without increasing flood heights more than 1 foot at any point.
- iv. Delineation of floodway encroachment lines within which no obstruction is permitted which would cause any water surface increase along the floodway profile.
- v. Delineation of floodway fringe, i.e., that area outside the floodway encroachment lines, but which still is subject to inundation by the base flood.

3. *Statement of Purpose*

It is the purpose of this ordinance to promote the public health, safety, and general welfare and to minimize those losses described in Section 1.21 by applying the provisions of this ordinance to:

- a. Restrict or prohibit uses which are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities.
- b. Require that uses vulnerable to floods, including public facilities which serve such uses, be provided with flood protection at the time of initial construction.
- c. Protect individuals from buying lands which are unsuited for intended purposes because of flood hazard.
- d. Assure that eligibility is maintained for property owners in the community to purchase flood insurance in the National Flood Insurance Program.

B. General Provisions

1. Lands to Which Ordinance Applies

This ordinance shall apply to all lands within the jurisdiction of the City of Ashland identified on the Saunders County and incorporated areas Flood Insurance Rate Map (FIRM) dated April 5, 2010, and any revisions thereto, as numbered and unnumbered A Zones (including AE, AO and AH Zones) and within the Zoning Districts FW and FF established in Section D of this ordinance. In all areas covered by this ordinance no development shall be permitted except upon the issuance of a floodplain permit to develop, granted by the Mayor and Council or its duly designated representative under such safeguards and restrictions as the Mayor and Council or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community and where specifically noted in Sections E, F, and G.

2. The Enforcement Officer

The Zoning Administrator of the community is hereby designated as the community's duly designated Enforcement Officer under this Ordinance.

3. Rules for Interpretation of District Boundaries

The boundaries of the floodway and flood fringe overlay districts shall be determined by scaling distances on the official zoning map or on the Flood Insurance Rate Map or Floodway Map. Where interpretation is needed to the exact location of the boundaries of the districts as shown on the official zoning map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions, the Enforcement Officer shall make the necessary interpretation. In such cases where the interpretation is contested, the Board of Adjustment will resolve the dispute. The regulatory flood elevation for the point in question shall be the governing factor in locating the district boundary on the land. The person contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Board of Adjustment and to submit his own technical evidence, if he so desires.

4. Compliance

Within identified special flood hazard areas of this community, no development shall be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

5. Abrogation and Greater Restrictions

It is not intended by this ordinance to repeal, abrogate or impair any existent easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provision of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

6. Interpretation

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by state statutes.

7. Warning and Disclaimer of Liability

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood height may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that areas outside floodway and flood fringe district boundaries or land uses permitted within such districts will be free from flooding or flood damage. This ordinance shall not create liability on the part of the City of Ashland or any officer or employee thereof for any flood damages that may result from reliance on this ordinance or any administrative decision lawfully made thereunder.

8. Severability

If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

9. Appeal

Where a request for a permit to develop or a variance is denied by the City Administrator the applicant may apply for such permit or variance directly to the Board of Adjustments.

C. Development Permit

1. Permit Required

No person, firm or corporation shall initiate any floodplain development or substantial improvement or cause the same to be done without first obtaining a separate permit for development as defined in Section L.

2. Administration

a. The Flood Plain Administrator is hereby appointed to administer and implement the provisions of this ordinance.

b. Duties of the Flood Plain Administrator shall include, but not be limited to:

i. Review all development permit applications to assure that sites are reasonably safe from flooding and that the permit requirements of this ordinance have been satisfied.

ii. Review applications for proposed development to assure that all necessary permits have been obtained from those Federal, state or local governmental agencies from which prior approval is required.

- iii. Notify adjacent communities and the Nebraska Natural Resources Commission prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- iv. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
- v. Verify, record and maintain record of the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures in special flood hazard areas.
- vi. Verify, record and maintain record of the actual elevation (in relation to mean sea level) to which new or substantially improved structures have been flood proofed.
- vii. When flood proofing is utilized for a particular structure the Flood Plain Administrator shall be presented certification from a registered professional engineer or architect.

3. Application for Permit

To obtain a floodplain development permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every such application shall:

- a. Identify and describe the development to be covered by the floodplain development permit.
- b. Describe the land on which the proposed development is to be done by lot, block, tract and house and street address, or similar description that will readily identify and definitely locate the proposed building or development.
- c. Indicate the use or occupancy for which the proposed development is intended.
- d. Be accompanied by plans and specifications for proposed construction.
- e. Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.
- f. Give such other information as reasonably may be required by the Flood Plain Administrator.

D. Establishment of Zoning Districts

Along watercourses where a floodway has been established, the mapped floodplain areas are hereby divided into the two following districts: A floodway overlay district (FW) and a flood fringe overlay district (FF) as identified in the Flood Insurance Study [and accompanying map(s)]. Within these districts all uses not meeting the standards of this ordinance and those standards of the underlying zoning district shall be prohibited.

E. Standards for Floodplain Development

- 1. No permit for development shall be granted for new construction, substantial improvements and other development(s) including the placement of manufactured homes within all numbered and

unnumbered A zones (including AE, AO, and AH zones) unless the conditions of this Section are satisfied.

2. All areas identified as unnumbered A zones on the FIRM are subject to inundation of the base flood; however, the water surface elevation was not provided. The unnumbered A zones shall be subject to all development provisions of section F. If Flood Insurance Study data is not available, the community shall utilize any base flood elevation or floodway data currently available from Federal, State or other sources.
3. Until a floodway has been designated, no development or substantial improvement may be permitted within special flood hazard areas unless the applicant has demonstrated that the proposed development or substantial improvement, when combined with all other existing and reasonably anticipated developments or substantial improvements, will not increase the water surface elevation of the base flood more than one (1) foot at any location as shown on the Flood Insurance Study.
4. New construction, subdivision proposals, substantial improvements, prefabricated buildings, placement of manufactured homes and other developments shall require:
 - a. Design or anchorage to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - b. New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination.
 - c. Construction with materials resistant to flood damage, utilizing methods and practices that minimize flood damages, and with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - d. All utility and sanitary facilities be elevated or flood proofed up to the regulatory flood protection elevation.
5. Storage of Material and Equipment
 - a. The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal or plant life is prohibited.
 - b. Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.
6. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, be required to assure that (a) all such proposals are consistent with the need to minimize flood damage, (b) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated and constructed to minimize or eliminate flood damage, (c) adequate drainage is provided so as to reduce exposure to flood hazards, and (d) proposals for development (including proposals for manufactured home parks and subdivision) of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals the base flood elevation.

F. Flood Fringe Overlay District (including AO and AH Zones)

1. Permitted Uses

Any use permitted in section G shall be permitted in the Flood Fringe Overlay District. No use shall be permitted in the district unless the standards of section E are met.

2. Standards for the Flood Fringe Overlay District

- a. Require new construction or substantial improvements of residential structures to have the lowest floor, including basement, elevated to or above one (1) foot above the base flood elevation.
- b. Require new construction or substantial improvements of non-residential structures to have the lowest floor, including basement, elevated to or above one (1) foot above the base flood elevation or, together with attendant utility and sanitary facilities, to be floodproofed so that below that level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Flood Plain Administrator as set forth in section C, 2(b)(7).
- c. Require for all new construction and substantial improvements that fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be not higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- d. Within AH zones adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.
- e. Manufactured Homes
 - i. All manufactured homes shall be anchored to resist floatation, collapse, or lateral movement. Manufactured homes must be anchored in accordance with local building codes or FEMA guidelines. In the event that over-the-top frame ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:
 - (A) Over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations and manufactured homes less than 50 feet long requiring one additional tie per side;

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- (B) Frame ties be provided at each corner of the home with five additional ties per side at intermediate points and manufactured homes less than 50 feet long requiring four additional ties per side;
 - (C) All components of the anchoring system be capable of carrying a force of 4,800 pounds; and
 - (D) Any additions to the manufactured home be similarly anchored.
- ii. Require that all manufactured homes to be placed or substantially improved within special flood hazard areas on the community's FIRM on sites:
 - (A) Outside of a manufactured home park or subdivision,
 - (B) In a new manufactured home park or subdivision,
 - (C) In an expansion to an existing manufactured home park or subdivision, or
 - (D) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above one (1) foot above the base flood elevation; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 6.25A.
 - iii. Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within special flood hazard areas on the community's FIRM that are not subject to the provisions of Section 6.25B be elevated so that either:
 - (A) The lowest floor of the manufactured home is at or above one (1) foot above the base flood elevation, or
 - (B) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 6.25A.
 - f. Recreational vehicles placed on sites within the special flood hazard areas on]the community's official map shall either (i) be on the site for fewer than 180 consecutive days, (ii) be fully licensed and ready for highway use, or (iii) meet the permit requirements and the elevation and anchoring requirements for "manufactured homes" of this ordinance. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions.
 - g. Located within the areas of special flood hazard established in Section 2.1 are areas designated as AO Zones. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply within AO Zones:

- i. All new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as one (1) foot above the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).
- ii. All new construction and substantial improvements of non-residential structures shall:
 - (A) Have the lowest floor elevated above the highest adjacent grade at least as high as one (1) foot above the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or
 - (B) Together with attendant utility and sanitary facilities be completely flood proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Such certification shall be provided to the official as set forth in Section 3.2B(7).
- iii. Adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.

G. Floodway Overlay District

1. Permitted Uses

Only uses having a low flood-damage potential and not obstructing flood flows shall be permitted within the Floodway District to the extent that they are not prohibited by any other ordinance. The following are recommended uses for the Floodway District:

- a. Agricultural uses such as general farming, pasture, nurseries, forestry.
- b. Residential uses such as lawns, gardens, parking and play areas.
- c. Non-residential areas such as loading areas, parking and airport landing strips.
- d. Public and private recreational uses such as golf courses, archery ranges, picnic grounds, parks, wildlife and nature preserves.

2. Standards for the Floodway Overlay District

New structures for human habitation are prohibited. All encroachments, including fill, new construction, substantial improvements and other development must be prohibited unless certification by a registered professional engineer or architect is provided demonstrating that the development shall not result in any increase in water surface elevations along the floodway profile during occurrence of the base flood discharge. These uses are subject to the standards of Section 5.0 and 6.0.

H. Variance Procedures

1. The Board of Adjustment as established by the City of Ashland shall hear and decide appeals and requests for variances from the requirements of this ordinance.

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2. The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Flood Plain Administrator in the enforcement or administration of this ordinance.
 3. Any person aggrieved by the decision of the Board of Adjustment or any taxpayer may appeal such decision to the District Court as provided in Section 19-912, R.R.S. 1943.
 4. In passing upon such applications, the Board of Adjustment shall consider all technical evaluation, all relevant factors, standards specified in other sections of this ordinance, and:
 - a. The danger that materials may be swept onto other lands to the injury of others;
 - b. The danger to life and property due to flooding or erosion damage;
 - c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - d. The importance of the services provided by the proposed facility to the community;
 - e. The necessity to the facility of a waterfront location, where applicable.
 - f. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - g. The compatibility of the proposed use with existing and anticipated development;
 - h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - i. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - j. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and,
 - k. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
 5. Conditions for Variances
 - a. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (8.52-8.56 below) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
 - b. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
 - c. Variances shall not be issued within any designated floodway if any increase in flood levels along the floodway profile during the base flood discharge would result.

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- d. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - e. Variances shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - f. The applicant shall be given a written notice over the signature of a community official that (1) the issuance of a variance to construct a structure below the base flood level will result in increased premiums rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage and (2) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this ordinance.

I. Nonconforming Use

- 1. A structure or the use of a structure or premises which was lawful before the passage or amendment of the ordinance, but which is not in conformity with the provisions of this ordinance may be continued subject to the following conditions:
 - a. If such use is discontinued for twelve consecutive months, any future use of the building premises shall conform to this ordinance. The Utility Department shall notify the Flood Plain Administrator in writing of instances of nonconforming uses where utility services have been discontinued for a period of twelve months.
 - b. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.
- 2. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than 50 percent of the market value of the structure before the damage occurred except that if it is reconstructed in conformity with the provisions of this ordinance. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building, or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places, provided that the alteration shall not preclude its continued designation.

J. Penalties for Violation

Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Ashland or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

K. Amendments

The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or repealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided, however, that no such action may be taken 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 hearing shall be published in a newspaper of general circulation in the City of Ashland. At least 5 days shall elapse between the date of this publication and the public hearing. A copy of such amendments will be provided to the Federal Emergency Management Agency. The regulations of this ordinance are in compliance with the National Flood Insurance Program Regulations as published in Title 44 of the Code of Federal Regulations and the 1983 Nebraska Flood Plain Management Act.

L. Definitions

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application:

"Appeal" means a request for a review of the Flood Plain Administrator's interpretation of any provision of this ordinance or a request for a variance.

"Area of Shallow Flooding" means a designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Base Flood" means the flood having one percent chance of being equaled or exceeded in any given year.

"Basement" means any area of the building having its floor sub grade (below ground level) on all sides.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

"Existing Construction" means (for the purposes of determining rates) structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRM's effective before that date. "Existing construction" may also be referred to as "existing structures."

"Existing Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is complete before the effective date of the floodplain management regulations adopted by a community.

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters.
2. The usual and rapid accumulation of runoff of surface waters from any source.

"Flood Fringe" is that area of the floodplain, outside of the floodway, that on the average is likely to be flooded once every 100 years (i.e., that has a one percent chance of flood occurrence in any one year).

"Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Flood Insurance Study has delineated the Flood Hazard Boundaries and the zones establishing insurance rates applicable to the community.

"Flood Insurance Study" is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

"Floodplain" means any land area susceptible to being inundated by water from any source (see definition of "flooding").

"Floodway" or **"Regulatory Floodway"** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, clogged bridge openings, and the hydrological effect of urbanization of the watershed.

"Highest Adjacent Grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic Structure" means any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs.

"Lowest Floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

"Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

"Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"New Construction" For floodplain management purposes, "new construction" means structures for which the "start of construction commenced on or after the effective date of the floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

"Overlay District" is a district in which additional requirements act in conjunction with the underlying zoning district(s). The original zoning district designation does not change.

"Principally Above Ground" means that at least 51 percent of the actual cash value of the structure is above ground.

"Recreational Vehicle" means a vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Special Flood Hazard Area" is the land in the floodplain within a community subject to one percent or greater chance of flooding in any given year.

"Start of Construction" [for other than new construction or substantial improvements under the coastal Barrier Resources Act (Pub. L. 97-348)] includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not the alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building that is principally above ground, as well as a manufactured home, and a gas or liquid storage tank that is principally above ground.

"Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial Improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

"Variances" is a grant of relief to a person from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

"Violation" means a failure of a structure or other development to be fully compliant with the community's floodplain management regulations.

Section 5.20 UDO - Urban Development (Overlay District)

1. INTENT

This district is created as an overlay to the agricultural district and any other district located inside the corporate limits or within the extraterritorial zoning jurisdiction of the city. It is intended for those areas identified in the comprehensive plan as future growth areas for the city. The district allows the city to work with developers to promote zoning and subdivision options compatible with urban expansion including:

- A. Smaller lot sizes where a common (publicly or privately operated) water and/or sewer service is planned.
- B. Flexible land use and lot designs to protect areas with potential flood plain, steep slope or important visual qualities.

2. AREA OF TRACT

The minimum area of a tract of land to be zoned with the UDO - Urban Development Overlay District shall be five (5) acres. No lot shall be created prior to approval of zoning and subdivision requirements by the city.

3. GENERAL REQUIREMENTS

- A. General Provisions

Within the UDO - Urban Development District variations and departures from normal practice may be permitted. More than one building may be located on a lot. Buildings may be constructed on platted tracts which are smaller than the minimum district lot size requirements where provisions for common utilities and future inclusion to the city are provided. If approved by the city, buildings may be served by private roads in lieu of public streets where perpetual maintenance is provided. Buildings may be located closer to lot lines than otherwise permitted, provided such buildings are architecturally suitable for such a relationship to adjoining property or where landscaping provides a suitable buffer. Any building or portion thereof may be owned in condominium under applicable state laws governing same.

B. Compatibility with Future Growth

A development plan prepared in conformance with preliminary plat requirements shall be submitted with the request for rezoning to the UDO designation. Such development plan shall, in addition, contain;

1. easements to accommodate future proposed common or future public utilities
2. siting of proposed water wells and leach fields, if the city does not require immediate connection to public systems; or proposed locations of community wells and waste treatment facilities to serve the subdivision until such time as the development can be connected to city services.
3. additional easements, rights-of-way and future set back lines as required by the city, that would allow lots to be further subdivided upon annexation. Such provision is intended to encourage economical integration of suburban development.
4. proposed land uses and their location

C. A Subdivision Improvements Agreement specifying scheduling, financing and maintenance of improvements plus provisions for annexations shall be reviewed and receive approval by the city with the rezoning request.

4. PERMITTED USES

Any permitted and accessory use allowed in the underlying zoning district or as authorized in the approved development plan.

5. MINIMUM LOT AND YARD AND MAXIMUM HEIGHT REQUIREMENTS

A. Lot area requirements, height requirements, building setbacks, size of buildings, and density of dwelling units, commercial or industrial uses of the primary zoning district to which the UDO - Urban Development District is attached may be amended or reduced.

B. Other conditions, standards or amenities may be required to be greater than the minimum provided for in these regulations.

C. Changes in requirements or limited inclusion of land uses not otherwise permitted may be granted after considering the impact on adjacent uses and compatibility with the Future Land Use Plan. All development shall be in conformity with the Land Use District policies and criteria within the Comprehensive Plan and consistent with the purpose of the Ashland Zoning Ordinance, including such specific purposes as:

1. Minimizing congestion in streets or roads;
2. Securing safety from fire and similar dangers;
3. Lessening or avoiding the hazards to persons or damage to property resulting from the accumulation or runoff of storm or flood waters;
4. Providing adequate light and air;
5. Preventing excessive concentration of population, and excessive and wasteful scattering of population or settlement;
6. Protecting the tax base;
7. Protecting property against blight and depreciation;
8. Securing economy in governmental expenditures;
9. Preserving, protecting and enhancing historic buildings, places, and districts.

6. PROCEDURE

- A. A property owner or developer who intends to develop a tract of land containing at least the minimum area (5 acres) for that primary zoning district and involving more than one structure, may apply for rezoning the property to a UDO - Urban Development Overlay District. The rezoning change shall be an amendment of the zoning map as an appendage to the existing primary zoning district. The rezoning change may also be a request to change the existing primary zoning district to another primary zoning district with the UDO as an appendage.
- B. The applicant shall file, together with the rezoning application, a Development Plan and such other drawings or calculations necessary to determine whether the proposed development conforms with the intent of the UDO and provides for incorporation into the city's future growth.
- C. The plans and other drawings and calculations shall provide adequate information to show the arrangement of lots, the number of dwelling units or establishments, building setbacks and height, access drives, walks, parking areas, drainage, grading plan, utilities distribution, recreation areas, open spaces, and the general landscape development.
- D. The property owners may further be asked to furnish other information, such as typical building floor plans, building elevations to show the general architectural character of the buildings, some indications as to size and type of landscape plant materials, pavements, and other major site improvements.
- E. The property owner shall submit the tentative construction time schedule (phasing plan), the description of the intended means of financing any proposed common areas or common improvements, statements covering ownership and maintenance of common easements or other common areas, such as open space or recreational facilities, documents for incorporation of Home Owners organization, restrictive covenants, and any other document that may assist the city in reviewing the application. Such construction schedule shall be substantially completed as approved in this section. If, in the opinion of the planning commission or city council, sufficient development has not been commenced or completed, a public hearing to consider removing all or a portion of the UDO may be initiated. The applicant shall be given notice and may present a request for extending the construction time schedule.
- F. The developer shall be required to complete all development in each phase prior to starting construction on subsequent phases including such elements as roads, utilities, and landscaping. Each phase shall provide a balance of permitted uses and shall not contain a majority of uses not otherwise permitted. This may be waived where sufficient phases have been completed to reduce potential impacts on adjacent properties.
- G. These plans, construction schedule, the site development plans, drawings, calculations, and other documents, shall form the basis for issuance of a building permit in conformity therewith.
- H. Any major change in the development plan which may increase the number of dwelling units or establishments, the number of parking stalls, the size or number of structures, and which is a substantial change from the plans and documents approved by the City Council, in the opinion of the Building Inspector, may require a resubmission for approval of the application for rezoning. Any minor changes or adjustments or decrease in the number of dwelling units, common facilities and recreation facilities may be approved by the Building Inspector without resubmission.

Section 5.21 (HPD) Preservation District (Overlay District)

1. Purpose.

This Overlay District is to designate, preserve, protect, enhance, and perpetuate those structures and districts which are elements of the city's historical, cultural, archaeological, or architectural heritage; to stabilize and improve property values in such districts; to foster civic pride in the beauty and accomplishments of the past; to protect and enhance the city's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided; to strengthen the economy of the city; to promote the use of preservation and historic districts and landmarks for the education, pleasure, and welfare of the people of the city; and to promote and encourage continued private ownership and utilization of such buildings and other structures now so owned and used so that the objectives listed above can be attained while the owner can receive a reasonable economic return on the property.

2. Preservation Commission

A Preservation Commission will have an advisory role to the Planning Commission regarding review of alterations, modifications, new construction, signage, and other issues involving the buildings and the building's Central Business District's character. The Preservation Commission shall consist of five (5) members on three year terms. Provided that of those members first taking office, two shall be appointed for one year, two for two years, and one for three years. Members may serve for more than one term and each member shall serve until the appointment of a successor. In the event of a vacancy, an appointment shall be made to fill the vacancy in the same manner as if at the beginning of the term, and the person appointed to fill the vacancy shall hold such office for the unexpired term.

There is hereby created the preservation commission (hereinafter, the Preservation Commission). The Preservation Commission shall consist of five (5) members appointed by the Mayor with confirmation by a majority of the City Council.

The Preservation Commission shall be made up of the following individuals; One (1) member of the City Council or Planning Commission, one (1) historian qualified in the field of American History, one (1) member from the local or county Historical Society, one (1) local real estate agent, and one (1) citizen-at-large.

3. Organization.

The Preservation Commission shall elect from among its own members a chairperson and such other officers as it may deem necessary. The Preservation Commission shall make such rules and regulations as it may deem advisable and necessary for the conduct of its affairs, for the purpose of carrying out the intent of this section, which are not inconsistent with the laws of the city and the state. Three (3) members shall constitute a quorum for the transaction of business and three affirmative votes shall be required for final action on any matter acted upon by the Preservation Commission. Members of the Preservation Commission shall serve without compensation. The Preservation Commission shall meet at least quarterly or as need arises at such times and places as it may determine, or upon the call of the Chairperson.

4. Powers and Duties.

The powers and duties of the Preservation Commission shall be as follows:

- a. Initiate and maintain an inventory of all sites, structures, and districts potentially eligible for designation as landmarks or landmark districts.
- b. Identify and designate local landmarks and landmark districts.
- c. Consult with and consider the ideas and recommendations of civic groups including neighborhood and business organizations, public agencies, and citizens interested in historical preservation;
- d. Inspect and investigate structures, sites, and areas which are believed worthy of preservation;

- e. Disseminate information to the public concerning those structures, sites, and areas deemed worthy of preservation and encourage and advise property owners in the protection, enhancement, perpetuation, and use of landmarks and property of interests;
 - f. Solicit gifts and contributions to be made to the city and assist in the preparation of applications for grant funds to be made to the city for the purpose of preservation;
 - g. For every building or district designated for preservation, maintain a guideline for preservation of the property;
 - h. Upon request of the property owner, render advice and guidance with respect to any proposed work on a landmark or in a landmark district;
 - i. Prepare and deliver an annual report of the Preservation Commission's past actions and future goals to the City Council;
5. Landmarks and Landmark District Requirements.
- A landmark or landmark district must meet one or more of the following criterion:
- a. Be associated with important events that have contributed significantly to the broad patterns of history or culture, or the site of an historic event, or exemplifies the cultural, historical, political, economic, educational, social, aesthetic, or importance to the community.
 - b. Be associated with the life of a person significant in the past.
 - c. Embody the distinctive characteristics of a type, period, or method of construction, or represent the work of a master, or possess high artistic values, or represent a significant and distinguishable entity whose components may lack individual distinction.
 - d. Archeological significance if a site has yielded or is likely to yield important information regarding history or prehistory.

A landmark or landmark district shall possess integrity of design, location, setting, feeling, association, materials, and workmanship. In the case of a landmark district, provisions shall be made to define an accurate boundary, identify properties that contribute to the historical significance of the district, and those, that because of age or integrity, do not contribute. A property shall be eligible if it is fifty (50) years of age or older, unless exceptional significance can be demonstrated.

6. Procedures for Designating Landmarks and Landmark Districts.
- There is hereby established the provision for the designation of local landmarks and landmark districts.
- a. A landmark or landmark district may be proposed by the Commission, City Council, Planning Commission, or upon petition of any person, group of persons, owners, residents, or other interested parties. Any such proposal shall be filed with the Director upon forms prescribed by him or her, and shall include all data required by the Commission. Applications shall require a description and statement of the significance of the landmark or landmark district to justify its proposed designation.
 - b. The recommendation of the Commission for approval of a proposed landmark or landmark district shall state the applicable criteria for such designation.
 - c. Each proposal of a landmark or landmark district shall be considered by the Commission at a public hearing.
 - d. Notice of the time, place and purpose of the public hearing to be held upon the nomination of a landmark or landmark district shall be given by the Commission in the official newspaper of the city not less than 10 days prior to the date of the hearing and by mail to the owners of all property included in the proposed designation, using for that purpose the names and addresses of the last-known owners as shown by the county real property tax records. Failure to send notice by mail to any such property owner where the address of the owner is not so recorded shall not invalidate any proceedings in connection with the proposed designation. The Commission may also give such other notice or conduct a public meeting as may be deemed desirable and practicable.
 - e. A record of the pertinent information presented at the hearing upon a proposed landmark or landmark district shall be made and maintained as a permanent public record.

- f. The Commission may approve, disapprove, or modify the proposal of a landmark or a landmark district and shall notify the applicant of the action taken within 30 days of the referral thereof to the Commission.
 - g. Designation of a landmark shall not be proposed at the objection of an owner. Designation of a landmark district shall not be proposed if the owners of fifty-one percent (51%) of the front footage of the real property in the proposed landmark district object, not to include any public right-of-way located in such district.
7. Transmittal to and Recommendations of Landmarks and Landmark Districts by the Planning Commission. Pursuant to the provisions of this Ordinance, and the procedures set forth herein, the Commission shall transmit the proposal, along with the Commission's recommendations thereon, for the designation of a landmark or landmark district to the Planning Commission within 60 days after consideration. This Section shall require comment by the Planning Commission to consider the degree of conformity or nonconformity with the comprehensive development plan of the City. The proposal, along with recommendations by both the Commission and the Planning Commission thereon, for the designation of a landmark or landmark district shall then be transmitted to the City Council within 60 days after consideration.
8. Consideration of Landmarks and Landmark Districts by Council. Pursuant to the provisions of this Ordinance, and the procedures set forth herein, the City Council shall, by ordinance, designate a landmark or a landmark district.
- a. The City Council shall take into consideration the recommendation of the Commission and Planning Commission and shall further give consideration to the economic consequences to the city and the affected owner.
 - b. Within 30 days after final adoption of the ordinance designating the property as a landmark or landmark district, the Director shall send a copy of such ordinance and a letter outlining the basis of such designation and the obligations and restrictions which result from such designation to the owner of record of each landmark so designated or each property within a designated landmark district by registered or certified mail.
1. Requirement of Certificate for Certain Work.
- No person shall carry out or cause to be carried out on a landmark or in a preservation district any change in the appearance of a landmark or historic district for which a building permit or demolition permit is required, as specified in the Ashland Building Code for the city, or any change restricted by the particular designating ordinance without a certificate issued by the Preservation Commission or the Planning Commission as described below. All exterior modifications not requiring a building permit, including changes in exterior color, shall be reviewed and approved by the Preservation Commission prior to installation. Ordinary maintenance and repair not otherwise subject to a building permit regulation or restricted by the designated ordinance may be carried out without a certificate issued by the Preservation Commission.
10. Procedure for Certificate.
- The application for such certificate shall be filed with the City of Ashland and shall be accompanied by plans for the proposed work to be done and such other information as the Building Inspector shall require. The Building Inspector shall review the application and plans for compliance with the existing building code ordinances and regulations. The application and plans shall be referred to the Planning Commission.

The Planning Commission may issue a certificate of no material effect if the application is for work which is not restricted by the designating ordinance and if the work contemplated in the application will have no effect on any architectural features of the landmark or landmark district as detailed in the particular designating ordinance and will be in harmony therewith.

Other applications shall be transmitted by the Planning Commission to the Preservation Commission along with any recommendations by the Building Inspector and the Planning Commission. Within sixty days of receipt of the application by the Building Inspector, the Preservation Commission shall hold a public hearing on the applications received by the Preservation Commission. Notice of the time, place, and purpose of such hearing shall be published by the City of Ashland in a newspaper having a general circulation in the City of Ashland and shall be mailed to the certificate applicant not less than eight days prior to the date of hearing. The Preservation Commission may also give such other notice as may be deemed necessary, including posting of the property affected.

During the public hearing, the Preservation Commission shall review the application and plans in light of the guideline for preservation, see Article 10, Section 10.02 for review guidelines (Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings), of the property contained in the particular preservation designation ordinance for that landmark or historic district.

11. Certificate Approval or Denial.

Within thirty days of the hearing, the Preservation Commission shall approve or deny the application for the certificate for certain work on the landmark or in a preservation district.

The Preservation Commission:

- (a) May issue a certificate of appropriateness if, after focusing upon aesthetic, historical, and architectural values, it finds that the proposed work would not unduly hinder the protection, enhancement, perpetuation, and use of the landmark or preservation district;
- (b) May issue a certificate of exception on the ground of insufficient return or hardship if it finds that the landmark or property within the preservation district cannot yield a reasonable return if the proposed work is not permitted, that the plight of the applicant is due to unique circumstances, and that the hardship is the result of the application of the ordinance and is not the result of any act or omission by the applicant; or
- (c) May refuse to issue a certificate, if it finds that the application does not meet any of the above criteria.

The Preservation Commission's decision must be accompanied by written findings of fact. No change shall be made in the application for any building permit after issuance of a certificate by the Preservation Commission or the Planning Commission without resubmittal to the Preservation Commission or the Planning Commission and approval in the same manner as provided above.

12. Procedure Following Certificate Denial

If no certificate is issued, the applicant and the Preservation Commission shall enter into negotiations to develop a plan whereby modifications in the application would enable the Preservation Commission to issue a certificate under the criteria listed above and compatible with the guideline for preservation in the particular designation ordinance. If the proposed work involves demolition of all or a significant portion of a landmark or property within a preservation district or involves construction upon open areas of a landmark or with a preservation district and no acceptable plan is negotiated and approved by the applicant within three months of the Preservation Commission's decision not to issue a certificate, the city may proceed by eminent domain proceedings to acquire the landmark or the affected property within the preservation district. But if the city does not initiate proceedings within ninety days, the Planning Commission shall issue a certificate of allowance, permitting the applicant to proceed with the work as proposed in the application. If the proposed work on a landmark or in a preservation district is other than the above and no acceptable plan is negotiated and approved by the applicant within

three months of the Preservation Commission's decision not to issue a certificate, the Planning Commission shall issue a certificate of allowance, permitting the applicant to proceed with the work as proposed in the application.

13. Hazardous Structures.

The Planning Commission shall issue a certificate of allowance on the ground of hazardous conditions@ for razing a structure or other work if the Building Inspector has determined that the landmark or structure within the preservation district poses an immediate hazard to human health and safety. However, no owner shall by deliberate acts or deliberate neglect allow a landmark or property within a preservation district to become hazardous to human health and safety with the intent of then obtaining such permit.

14. Appeal.

Any person aggrieved by any order, approval, disapproval, or other decision issued by the Preservation Commission, or the Planning Commission, may appeal such order, approval, disapproval, or other decision to the City Council by filing a written appeal with the City Clerk within thirty days of such order. Such appeal shall fully state the order, approval, disapproval, or other decision appealed from, the date thereof, and the facts of the matter.

The City Clerk shall refer the appeal to the City Council, which shall fix within thirty days a reasonable time for the hearing. Notice of time, place, and purpose of such hearing shall be published in a newspaper having a general circulation in the City of Ashland by the City Clerk and shall be mailed by certified or registered mail to the appealing party not less than eight days prior to the date of hearing. The City Council shall review the appeal and may in conformance with the provisions of this title reverse or affirm, wholly or partially, or may modify the order, approval, disapproval or other decision appealed from . In making a determination, the Council may request information and recommendations from any department of the City of Ashland. Every decision by the City Council shall be accompanied by a written finding of fact based on testimony and other evidence, specifying the reason for granting or denying the appeal.

Section 5.22 CO Corridor Overlay District

A. Intent: The city of Ashland has established basic site and building development criteria to be implemented within the boundaries of this overlay district. The Corridor Overlay District has been established in order to implement the policies developed in the Comprehensive Development Plan. These criteria include, but are not limited to the following: landscaping, building material selection, lighting, and road development. The purpose for regulating these issues is to provide for a cohesive and properly developed corridors and entrance into Ashland along Highway 6 and Highway 66. Guiding development in this manner promotes the general health, safety and welfare of the residents within the zoning jurisdiction of the City of Ashland, by providing quality design and construction which will also aid in the protection of past and future investment in the corridors. The regulations in the overlay district are in addition to those of the underlying zoning district for the property.

1. **Purpose:**

The purpose of these criteria is to establish a checklist of those items that affect the physical aspect of Ashland. Pertinent to appearance is the design of the site, building and structures, planting, signs, and miscellaneous other objects that are observed by the public.

The criteria contained herein are not intended to restrict imagination, innovation or variety, but rather to assist in focusing on design principles that can result in creative solutions that will develop a satisfactory visual appearance within the city, preserve taxable values, and promote the public health, safety and welfare.

2. **Geographic Area:**

The Corridor Overlay District extends generally 300 feet from the right-of-way line on either side of Highway 6 and Highway 66 through Ashland's jurisdiction. If a site or property is partially covered by said overlay district, then the entire portion of the site or property facing the Corridor is to be covered by these regulations. For a graphically defined area, see the Official Zoning Map.

B. Permitted Uses:

The following principal uses are permitted in the CO District.

1. All permitted uses contained in the underlying base zoning district unless specifically noted in these regulations.

C. Permitted Conditional Uses:

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

1. All conditional uses contained in the underlying base zoning district unless specifically noted in these regulations.

D. Minimum Setback Requirements:

Minimum setbacks within underlying zoning district shall be increased to accommodate future road development and increased right-of-way as determined by the city, county and/or state when adjacent to a major arterial, other arterial, or minor arterial as designated in the Future Transportation Plan for the City of Ashland. New subdivision developments are required to dedicate additional right-of-way or platting of an outlot adjacent to such designated arterial in lieu of increased setbacks. Such requirements shall not pertain to lots or farmsteads with existing and permitted uses at the time of the adoption of these regulations.

E. Criteria for Application:

1. All developments consisting of one principal building with single or mixed uses shall comply with the design criteria of this section. This does not apply to farm buildings or single family dwellings.
2. All developments consisting of more than one principal building, mixed-uses, multiple-pad development and/or similar developments shall comply.
3. Process.
 - a. Pre-application Conference: A pre-application conference with city staff to give the applicant an opportunity to discuss plans before a great deal of time or money is expended.

- b. Design Review: The City Building Official will review the submittal documents for compliance with regulations and intent of the overlay district.
 - c. Certificate of Occupancy Permit: After the zoning permit is issued, all design requirements must be completed as approved in order for a Certificate of Occupancy to be issued.
 - d. Maintenance of Design requirements: The Applicant needs to maintain the design requirements for the life of the project. In the event that they fail to do so the City may revoke the Occupancy Permit.
4. Factors for Evaluation.
- The following factors and characteristics, which affect the appearance of a development, will govern the evaluation of a design submission:
- a. Conformance of regulations and the Building Design Criteria.
 - b. Logic of design.
 - c. Exterior space utilization.
 - d. Architectural character.
 - e. Attractiveness Material selection.
 - f. Harmony and compatibility.
 - g. Circulation-vehicular (and pedestrian).
 - h. Maintenance aspects.

F. Criteria for Appearance:

1. Relationship of Buildings to Site

The site shall be planned to accomplish a desirable transition with the streetscape and to provide for adequate planting, safe pedestrian movement, and parking areas.

 - a. Site planning in which setbacks and yards are in excess of standard commercial zoning restrictions is encouraged to provide an interesting relationship between buildings.
 - b. Parking areas shall be treated with decorative elements, building wall extensions, plantings, berms, or other innovative means so as to screen parking areas from view from public ways.
 - c. Without restricting the permissible limits of the applicable zoning district, the height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings.
 - d. Newly installed utility services, and service revisions necessitated by exterior alterations, shall be underground.
 - e. Refuse and waste removal areas, service yards, storage yards, loading areas, and exterior work areas shall be oriented to the rear of the building away from public right-of-way or properly screened from view from public ways, using materials as stated in criteria for equipment screening.
2. Relationship of Buildings and Site to Adjoining Area (Outside of subdivision or developments)
 - a. Adjacent buildings of different architectural styles shall be made compatible by such means as screens, sight breaks, and materials.
 - b. Attractive landscape transitions shall be designed to be compatible to adjoining properties.
 - c. Harmony in texture, lines, and masses is required. Monotony shall be avoided.
3. Landscape and Site Treatment

Landscape elements included in these criteria consist of all forms of planting and vegetation, ground forms, rock groupings, water patterns, and all visible construction except buildings and utilitarian structures.

 - a. Where natural or existing topographic patterns contribute to beauty and utility of a development, they shall be preserved and developed. Modification to topography will be permitted where it contributes to good site design and development.
 - b. Grades of walks, parking spaces, terraces, and other paved areas shall provide an inviting and stable appearance for walking and, if seating is provided, for sitting.
 - c. Landscape treatments shall be provided to enhance architectural features, strengthen vistas and important axis, and provide shade. Spectacular effects shall be reserved for special locations only.
 - d. Unity of design shall be achieved by repetition of certain plant varieties and other materials and by correlation with adjacent developments.

- e. Plant material shall be selected for interest in its structure, texture, and color and for its ultimate growth. Plants that are indigenous to the area and others that will be hardy, harmonious to the design, and of good appearance shall be used.
 - f. Parking areas and traffic ways shall be enhanced with landscaped spaces containing trees or tree groupings.
 - g. Screening of service yards and other places such as mechanical equipment, trash dumpsters, or other items that tend to be unsightly shall be accomplished by use of walls, fencing, planting, or combinations of those. Screening shall be equally effective in winter and summer months.
 - h. Exterior lighting, when used, shall enhance the building design and the adjoining landscape. Building fixtures shall be of a design and size compatible with the building and adjacent areas. Lighting shall be restrained in design and excessive brightness avoided. Lighting shall be designed to a standard that does not impact adjoining properties, especially residential areas.
 - i. All residential fencing within this District shall not exceed six feet in height.
 - j. Fencing within the District and as part of an Industrial Development may be required to be a solid fence.
 - k. All off street parking shall be to the rear of the building, and shall have a 6 feet wide planting buffer and screen wall at the public right of way or nearest lot line. Screen walls shall either be brick or ornamental ironwork, or be a combination of the two.
4. Building Design
- a. Architectural design and style are not restricted; however architectural style should be consistent throughout the subdivision. Evaluation of the appearance of a project shall be based on the quality of its design and relationship to surroundings.
 - b. Buildings shall have good scale and be in harmonious conformance with permanent neighboring development.
 - c. The primary building material of all portions of the structures shall be negotiated with the City, however, sample materials shall include but not be limited to materials of high quality, such as brick (clay), stucco, wood, glass, split faced concrete masonry units (CMU) with integrated color pigmentation and stone material native to Eastern Nebraska. The materials shall be similar and compatible throughout the entire development. The Ashland staff may allow other primary building designs (of good architectural character i.e. CMU, poured-in-place concrete) for portions of the building not visible from public areas. Other secondary building materials shall have good architectural character and shall be selected for harmony of the building with adjoining buildings.
 - d. Materials shall be selected for suitability to the type of buildings and the design in which they are used. Buildings shall have the same materials, or those that are architecturally harmonious, used for all building walls and other exterior building components wholly or partly visible from public ways.
 - e. Materials shall be of durable quality.
 - f. In any design in which the structural frame is exposed to view, the structural materials shall be compatible within themselves and harmonious with their surroundings.
 - g. Building components, such as windows, doors, eaves and parapets, shall have good proportions and relationships to one another.
 - h. Colors shall be harmonious and shall use only compatible accents
 - i. Colors shall be of “low reflectance, subtle, neutral, or earth tones” and shall not be of high-intensity or metallic colors unless the colors are true to the materials beings used.
 - j. Mechanical equipment or other utility hardware on roof, ground, or buildings shall be screened from public view with materials harmonious with the building, or they shall be so located as not to be visible from any public ways.
 - k. Exterior lighting shall be part of the architectural concept. Fixtures, standards, and all exposed accessories shall be harmonious with building design.
 - l. Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form, and siting shall be used to provide visual interest. In multiple building projects, variable siting of individual buildings may be used to prevent a monotonous appearance.
 - m. Building orientation shall be toward an arterial street, unless it is demonstrated that this would not be feasible. The second floors of existing two story structures, are encouraged to be converted to a residential use and/or office use.

- n. Structures where the upper floors are not utilized for residential or office use shall utilize decorative features such as displays, curtains, and other materials to enhance the appearance of the overall structure.
- o. Flat roofs on commercial buildings shall have parapets.
- p. Metal Buildings shall not be allowed to have visible exterior metal walls facing the corridor without use of acceptable brick, stone or other product on 25% of the frontage.
- q. All openings in the façade of a building (windows, doorways, etc.) shall be proportioned to reflect pedestrian scale and designed in a manner that encourages interest at the street level. Main or primary entrances to buildings must be delineated through the use of architectural detailing appurtenant to the architectural style of the building. The main or primary entrances shall be oriented toward the front or side street setback.
- r. Windows shall not carry the appearance of vacancy or deterioration, and shall utilize decorative features such as displays, curtains, and other materials to minimize an appearance of vacancy or deterioration. Windows shall maintain the architectural character of the structure they are a part of.
- s. Awnings or canopies shall be made of metal or of cloth material.
- t. Walkway coverings shall be of sheet metal, metal shingles or of standing-seam construction, or of canvas or cloth.
- u. Iron railings shall be of utilitarian styling as represented in the district.
- v. Planter boxes and screening walls, when used shall be compatible with the primary structure.
- w. Facades consisting of brick or masonry shall not be painted if they have not previously been painted.