
ZONING ORDINANCE

SPRINGFIELD, NEBRASKA

ORDINANCE NO. 873

ADOPTED BY SPRINGFIELD, NEBRASKA ON JANUARY 6, 2015
AMENDED JUNE 7, 2016 (SECTIONS 5.19 & 5.21)

Prepared By:



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ARTICLE 1: TITLE AND PURPOSE**Section 1.01 Title**

This Ordinance shall be known and may be cited and referred to as the Zoning Ordinance of the City of Springfield, Nebraska, herein referred to as “this ordinance”, and shall repeal and replace the existing ordinance for the City of Springfield and all amendments thereto.

Section 1.02 Purpose and Intent

This ordinance has been made in accordance with the Springfield Comprehensive Plan to promote the health, safety, and general welfare of the community; to implement the goals, policies, and proposals of the Comprehensive Plan for the zoning jurisdiction; to lessen congestion in streets; to secure safety from fire and other dangers; to provide adequate light and air; to encourage the most productive use of urban land resources through promotion of compatible land use patterns; to promote the distribution of population, land classifications and land development to support provisions for adequate transportation, water flows, water supply, drainage, sanitation, recreation, and other public requirements; to regulate and restrict the location and use of buildings and uses of land within each district for residential, commercial, industrial and other purposes; to regulate and restrict height, number of stories and size of buildings; to regulate and restrict the percentage of the lot that may be occupied by buildings and other structures; to regulate the size of yards and open spaces; to guard against loss of life and damage to property due to flooding through protection of natural drainage features; to preserve features of historical significance; to promote the conservation of natural resources; to protect property values; to protect property against blight and depreciation; and to secure economy in governmental expenditures.

Section 1.03 Interpretation

In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

Section 1.04 Relationship to City Code

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

Section 1.05 Relationship to Comprehensive Plan

It is the intention of this Ordinance to implement the goals, principles, and objectives reflected in the Comprehensive Plan as adopted by the City. While the City reaffirms its commitment that the provisions of this Ordinance and any amendment made to this Ordinance shall conform to adopted planning policies, the City acknowledges its intent that neither this Ordinance nor any amendment of this Ordinance may be challenged merely on the basis of an alleged nonconformity with the Comprehensive Plan.

Section 1.06 Applicability of Prior Regulations

1. All violations of prior zoning or other regulations of the City, existing on the effective date of this Ordinance, shall continue to be violations and shall not be considered to be legal non-conforming situations under this Ordinance. The City shall have the same authority to secure civil remedies for violations of those regulations to the same extent that it may secure civil remedies for violations of this Ordinance.
2. All permits, applications, certificates and other authorizations submitted or approved prior to the effective date of this Code shall be governed by the regulations in effect at the time of the submission or approval.

ARTICLE 2: DEFINITIONS

Section 2.01 Rules

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

- 2.01.01 Words and numbers used singularly shall include the plural. Words and numbers used in the plural shall include the singular. Words used in the present tense shall include the future.
- 2.01.02 The word "persons" includes a corporation, members of a partnership or other business organization, a committee, board, council, commission, trustee, receiver, agent or other representative.
- 2.01.03 The word "shall" is mandatory and not discretionary; the word "may" is permissive and not compulsory.
- 2.01.04 The word "and" indicates all connected items, conditions, provisions, or events shall apply; the word "or" indicates that one or more of the connected items, conditions, provisions, or events shall apply.
- 2.01.05 Words importing the masculine gender shall include the feminine and neutral genders.
- 2.01.06 The words "use", "used", "occupy" or "occupied" as applied to any land or building shall be construed to include the words "intended", "arranged" or "designed" to be used or occupied.
- 2.01.07 The word "commission" shall refer to the Planning Commission of Springfield, Nebraska.
- 2.01.08 The word "City" shall refer to the City of Springfield, Nebraska.
- 2.01.09 Undefined words or terms not herein defined shall have their ordinary meaning in relation to the context.
- 2.01.10 The particular controls the general.
- 2.01.11 All references to City personnel or staff shall include the person identified or their appropriate designee.
- 2.01.12 All words, terms, and phrases not otherwise defined herein shall be given their usual and customary meaning as defined in a standard English dictionary or other applicable City, State, or federal regulation, unless the context clearly indicates another meaning was intended.
- 2.01.13 Computation of Time: Unless otherwise specifically provided, the time within which an act is to be completed shall be computed by excluding the first day and including the last day, unless it is Sunday or a City holiday. All acts shall be completed within the time frame specified subject to extension periods provided herein.

Section 2.02 Abbreviation and Acronyms

For purposes of this Ordinance the following shall be standard abbreviations and acronyms found through the regulation.

ADA =	Americans with Disabilities Act
AU =	Animal Unit
CAFO =	Confined Animal Feeding Operation
DU =	Dwelling Unit
FAA =	Federal Aviation Administration
FCC =	Federal Communication Commission
FEMA =	Federal Emergency Management Agency
FT =	Foot or Feet
GFA =	Gross Floor Area
GIS =	Geographic Information System
HUD =	US Department of Housing and Urban Development
kV =	Kilovolt
kW =	Kilowatt
LFO =	Livestock Feeding Operation
NDA =	Nebraska Department of Aeronautics or successor department
NDEQ =	Nebraska Department of Environmental Quality or successor department
NPDES =	National Pollutant Discharge Elimination System
NRD =	Papio-Missouri River Natural Resources District
NSFM =	Nebraska State Fire Marshall or successor department
NHHS =	Nebraska Department of Health and Human Services or successor department
NDOR =	Nebraska Department of Roads or successor department
R.O.W. =	Right-of-Way or Rights-of-Way
SF =	Square Feet
SY =	Square Yard
USACE =	United States Army Corps of Engineers
USDA =	United States Department of Agriculture
YD =	Yard

Section 2.03 Definitions.

For the purpose of this Ordinance, certain words and terms are hereby defined as follows:

2.03.01 **A**

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

ABATTOIR shall mean a place where cattle, sheep, hogs or other animals are killed or butchered for market or for sale; provided, however, that this shall not be taken to mean or include poultry. Also known as slaughterhouse.

ABUT, ABUTTING shall mean to border on, being contiguous with or have property or district lines in common, including property separated by an alley. Two adjoining parcels of property, with a common property line, are herein considered as one parcel abutting the other. Except where two or more lots adjoin only at the corner or corners, they shall not be considered as abutting unless the common property line between the two parcels measures not less than 10 feet in a single direction.

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

ACCESSORY BUILDING (see Building, accessory)

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

ACCESSORY STRUCTURE shall mean a detached subordinate structure located on the same lot with the principal structure, the use of which is incidental and accessory to that of the principal structure.

ACCESSORY USE shall mean a use incidental, related, appropriate and clearly subordinate to the main use of the lot or building, which accessory use does not alter the principal use of the subject lot or affect other properties in the district.

ACREAGE shall mean any tract or parcel of land which does not qualify as a farm or development and has not been subdivided or platted.

ADJACENT shall mean near, close, or abutting; for example, an Industrial District across the street or highway from a Residential District shall be considered as "Adjacent".

ADULT DAY CARE CENTER shall mean a facility that provides care and an array of social, medical, or other support services for a period of less than 24 consecutive hours to four or more persons who require or request such services due to age or functional impairment.

ADVERTISING STRUCTURE shall mean any notice or advertisement, pictorial or otherwise, and all such structures used as an outdoor display, regardless of size and shape, for the purposes of making anything known, the origin or place of sale of which is not on the property with such Advertising Structure. Also see Outdoor Advertising.

AESTHETIC ZONING shall mean the regulation of a building or site to accomplish a standard of exterior architectural appeal and/or neighborhood harmony.



Example of an Accessory Use

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

AGRICULTURE shall mean the use of land for agriculture as the primary purpose of obtaining a profit by raising, harvesting, and selling crops or by the feeding, breeding, management, and sale of, or the produce of, livestock, poultry, fur-bearing animals, or honeybees, or for dairying and the sale of dairy products, or any other agricultural or horticultural use. Agriculture shall not mean the keeping of wild animals including species defined as zoo animals. Agricultural use shall not be construed to include any parcel of land of less than twenty acres or any non-agricultural commercial or industrial development.

AIRPORT shall mean any area which is used or is intended to be used for the taking off and landing of aircraft, including helicopters, and any appurtenant areas which are used or are intended to be used for airport buildings or facilities, including open spaces, taxiways, and tie-down areas.

AIRPORT HAZARD ZONE the area of land surrounding an airport in which structures and land uses have the potential to obstruct the airspace required for the flight of an aircraft in landing or taking off at the airport or may be otherwise hazardous to such landing or taking off. This area consists of the required approach zone, turning zone, and transition zones. The outer boundary of this area is composed of a series of connected tangents and simple curves that also constitute the outer boundaries of the approach and turning zones.

ALLEY shall mean a minor public service street or public right-of-way measuring 20 feet or less in width, through a block of lots primarily for vehicular service access to the rear or side of properties otherwise abutting on another street. Buildings facing an alley shall not be construed as satisfying the requirements of this ordinance related to frontage on a dedicated street.

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

ALTERATION, STRUCTURAL (see Structural alteration)

AMATEUR RADIO shall mean radio equipment and associated antennas or support structures for the purpose of receiving or transmitting communications by a radio station as described in Section 153(g) of Title 47 of the CFR and which is operated under license by the FCC.

AMENDMENT shall mean a change in the wording, context, or substance of this ordinance, an addition or deletion or a change in the district boundaries or classifications upon the zoning map.

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

AMUSEMENT PARK shall mean a facility, primarily outdoors, that may include structures and buildings, where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, buildings for shows and entertainment, and restaurants and souvenir sales.

ANIMAL HOSPITAL shall mean a place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such hospital use.

ANIMAL UNIT shall mean a unit of measurement to compare various domestic animal types based upon equivalent waste generation. One animal unit equals the following:

- One A.U.= One Cow/Calf combination
- One A.U.= One Slaughter, Feeder Cattle;
- One A.U.= One Horse;
- One A.U.= Seven Tenths Mature Dairy Cattle;
- One A.U.= Two and One Half Swine (55 pounds or more);
- One A.U.= Twenty Five Weaned Pigs (less than 55 pounds);

One A.U.= Two Sows with Litters;
 One A.U.= 10 Sheep;
 One A.U.= 100 Chickens;
 One A.U.= 50 Turkeys;
 One A.U.= Five Ducks.

ANIMALS, DOMESTIC (see Household pet)

ANIMAL SPECIALTY SERVICES shall refer to establishments primarily engaged in pet grooming, clipping, bathing, daycare, training courses, obedience classes, and similar services; and does not include veterinary services or overnight boarding kennels.

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

ANTIQUÉ STORE shall mean a place offering primarily antiques for sale. An antique for the purpose of this ordinance shall be a work of art, piece of furniture, decorative object, or the like, of belonging to the past, at least 30 years old.

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

APARTMENT HOUSE (see Dwelling, multi-family)

APPAREL SHOP shall mean retail stores where clothing is sold, such as department stores, shoe stores, and dress, hosiery, and millinery shops.

APPLIANCE STORE shall refer to retail shops selling equipment used for domestic functions. A store may include heavy appliances such as refrigerators, washers, dryers, ovens, dishwashers, or other similar domestic equipment. The store may also include smaller appliances such as televisions, computers, radios, microwaves, and other similar domestic equipment.

APPEARANCE shall mean the outward aspect visible to the public.

APPROPRIATE shall mean the sympathetic, or fitting, to the context of the site and the whole community.

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

ARCHITECTURAL CANOPY SIGN (see Sign, architectural canopy)

ARCHITECTURAL CHARACTER see Architectural Concept

ARCHITECTURAL CONCEPT shall mean the basic aesthetic idea of a building, or group of buildings or structures, including the site and landscape development that produces the architectural character.

ARCHITECTURAL FEATURE shall mean a prominent or significant part or element of a building, structure, or site. Architectural features may include special lines, massing, and/or texture.

1. **LINES** shall mean visual elements of the building, either within the façade or on the building edge, which are in a linear form either horizontally or vertically and may be composed of masonry, glass, or other related materials.
2. **MASS** shall pertain to the volume, bulk of a building or structure.
3. **TEXTURE** shall mean the quality of a surface, ranging from mirror finish, smooth, to coarse and unfinished.

ARCHITECTURAL STYLE shall mean the characteristic form and detail, as of buildings of a particular historic period.

AREA shall mean a piece of land capable of being described with such detail that its location may be established and boundaries definitely ascertained.

ART GALLERY shall mean an establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art. This clarification does not include libraries, museums, or non-commercial art galleries.

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

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

ASSEMBLY HALL shall mean a building or portion of a building in which facilities are provided for civic, educational, political, religious, or social purposes.

ASSISTED LIVING FACILITY shall mean any place or facility caring for six or more individuals not related within the third degree of relationship to the administrator, operator or owner by blood or marriage and who, by choice or due to functional impairments, may need personal care and may need supervised nursing care to compensate for activities of daily living limitations and in which the place or facility includes apartments for residents and provides or coordinates a range of services including personal care or supervised nursing care available 24 hours a day, seven days a week for the support of resident independence. The provision of skilled nursing procedures to a resident in an assisted living facility is not prohibited by this act. Generally, the skilled services provided in an assisted living facility shall be provided on an intermittent or limited term basis, or if limited in scope, a regular basis.

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

ATTRACTIVE shall mean having qualities that arouse interest and pleasure in the observer.

AUCTION SALES shall mean a building or structure or lands used for the storage of goods, materials or livestock which are to be sold on the premises by public auction and for the sale of the said goods, materials or livestock by public auction and on an occasional basis. Auction sales also includes garage sales and motor vehicle wholesale sales, including trucks, vans, recreational vehicles, boats or motorcycles or other similar motorized transportation vehicles. Auction sales are limited to four sales per calendar year per property not to exceed two weeks per sale, unless otherwise provided for or allowed herein.

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

AUTOMOBILE SALES shall mean the storage and display for sale or lease of more than two motor vehicles or any type of trailer (provided the trailer is unoccupied) at any one time and/or a total of ten or more sold or leased during the course of a calendar year, and where repair or body work is incidental to the operation of the new or used vehicle sales or leasing. Automobile sales includes all motor vehicle retail sales and leases including trucks, vans, recreational vehicles, boats or motorcycles or other similar motorized transportation vehicles. (Also, see Auction Sales)

AUTOMOTIVE REPAIR SERVICES shall refer to any building, structure, improvements, or land used for the repair and maintenance of automobiles, motorcycles, trucks, trailers, or similar vehicles including but not limited to body, fender, muffler, or upholstery work; oil change and lubrication; major painting services; collision services; and tire service and sales.

AUTOMOBILE SERVICES shall refer to any building, structure, improvements or land used for the general maintenance of automobiles, motorcycles, trucks, trailers or similar vehicles including but not limited to

washing, cleaning, and/or detailing; installation of car stereos, accessories, or other light equipment; and minor painting.

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

2.03.02 **B**

BAKERY SHOP shall mean an establishment primarily engaged in the retail sale of baked products. The products may be prepared either on or off site. A bakery shop shall be considered a general retail uses.

BANK shall mean a freestanding building, with or without a drive-up window, for the custody, loan, or exchange of money; for the extension of credit; and for facilitating the transmission of funds.

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

BASEMENT shall mean that portion of a building below the first or ground-floor level and having less than four feet of clearance from its ceiling to the average finished grade of the building perimeter. A basement shall not be considered a story for the purposes of determining building height.

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

BEAUTY SHOP shall mean any establishment where cosmetology services are provided including hair care, nail care, and skin care on a regular basis for compensation.

BED and BREAKFAST shall mean a house, or portion thereof, where short-term lodging rooms and meals are provided. The operator of the inn shall live on the premises.

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

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

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

BIG BOX RETAIL shall mean a singular retail or wholesale user. These uses typically include: membership wholesale clubs emphasizing large bulk sales, discount stores, pharmacies, grocery stores, especially warehouse style point sale concepts and department stores.

1. **LARGE BIG BOX RETAIL** shall mean a big box retail establishment that occupies no less than 200,000 square feet of gross floor area.
2. **MEDIUM BIG BOX RETAIL** shall mean a big box retail establishment that occupies no less than 120,000 square feet of gross floor area.
3. **SMALL BIG BOX RETAIL** shall mean a big box retail establishment that occupies no less than 40,000 square feet of gross floor area.

BILLBOARD see Sign, Billboard.

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

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

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

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

BOOK STORE shall mean a retail establishment that, as its primary business, engages in the sale, rental, or other charge-for-use of books, magazines, newspapers, greeting cards, postcards, videotapes, computer software, or any other printed or electronically conveyed information or media, excluding any uses defined as “adult entertainment establishments”.

BOWLING CENTER shall mean an establishment that devotes more than 50 percent of its gross floor area to bowling lanes, equipment, and playing area. Accessory uses such as the retail sale of snacks, the retail sale of beverages, and video game arcade are customary.

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

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

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

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

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

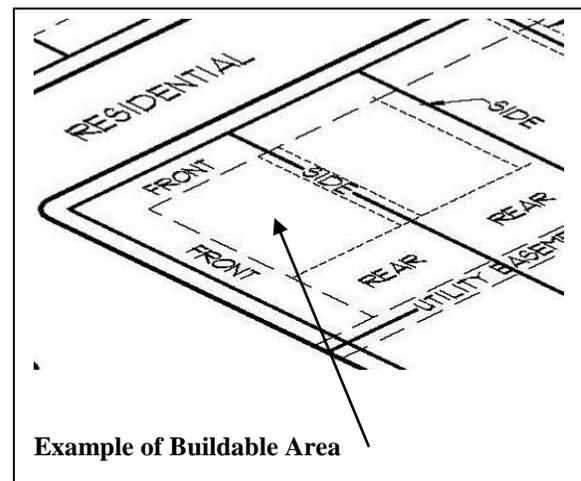
BROADCASTING TOWER shall mean a structure for the transmission or broadcast of radio, television, radar, or a microwave which exceeds the maximum height permitted in the district in which it is located; provided, however, that noncommercial radio towers not exceeding 50 feet in height shall not be considered broadcast towers.

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

BUFFER ZONE shall mean an area of land that separates two zoning districts and/or land uses that acts to soften or mitigate the effects of one use on the other.

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

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

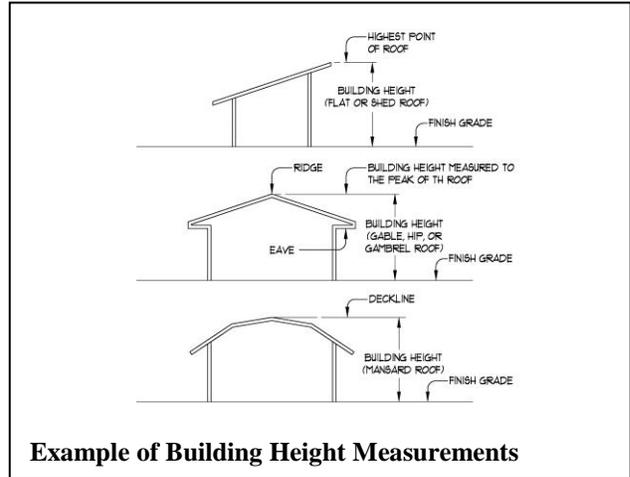


Example of Buildable Area

BUILDING, ACCESSORY shall mean any detached subordinate building which serves a function customarily incidental to that of the main building or main use of the premises. Customary accessory building includes farm buildings, garages, carports, and small storage sheds.

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

BUILDING CODE shall mean the various codes adopted and enforced by the City that regulate construction and requires Building Permits, electrical permits, mechanical permits, plumbing permits, and other permits to do work that pertain to building construction.



Example of Building Height Measurements

BUILDING HEIGHT shall mean the vertical distance above grade to the highest point of the roof, measured from the highest adjoining sidewalk or ground surface within a five foot horizontal distance at the exterior wall of the building. (Also, see Height of Building)

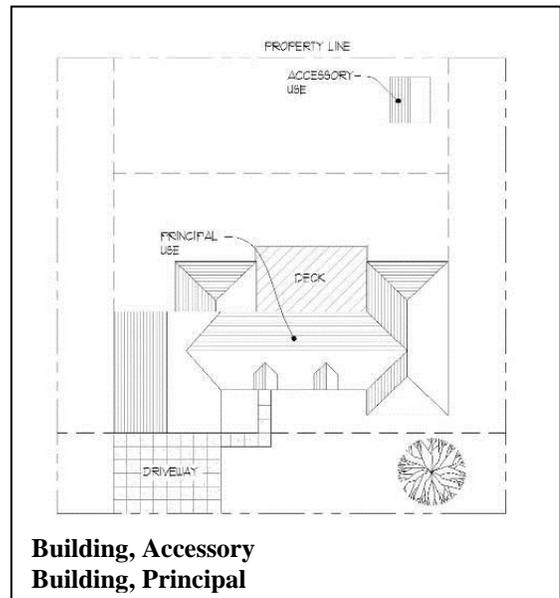
BUILDING INSPECTOR shall mean the Building Inspector of the City of Springfield, Nebraska.

BUILDING, PRINCIPAL shall mean a building within which the main or primary use of the lot or premises is located. (Also, see Use, Principal)

BUILDING SETBACK LINE shall mean the minimum of distance as prescribed by this ordinance between any property line and the closed point of the building line or face of any building or structure related thereto.

BUSINESS OR TRADE SCHOOL (See Vocational Training Facilities)

BUSINESS SERVICES shall mean establishments primarily engaged in rendering services to business establishments on a contract or fee basis, such as advertising, credit reporting, collection of claims, mailing, reproduction, stenographic, news syndicates, computer programming, photocopying, duplicating, data processing, services to buildings, and help supply services.



Building, Accessory
Building, Principal

2.03.03 C

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

CAR WASH shall mean a building or structure or an area of land with machine or hand operated facilities for the cleaning, washing, polishing, or waxing of motor vehicles, not including semi-trailer tractors, buses, and commercial fleets.

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

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

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

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

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

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

CHILD CARE CENTER shall mean a facility licensed to provide child care for 13 or more children. In addition to these regulations, Child Care Centers shall meet all requirements of the State of Nebraska.

CHILD CARE HOME: see “Family Child Care Home I and II”.

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

CITY shall mean the City of Springfield.

CLEAR VIEW ZONE shall mean the area of a corner lot closest to the intersection that is kept free of visual impairment to allow full view of both pedestrian and vehicular traffic. (Also see Site Triangle.)

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

CLUSTER DEVELOPMENT shall mean a development designed to concentrate buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and the preservation of environmentally sensitive areas.

CODE shall mean the Municipal Code of the City of Springfield.

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

COHESIVENESS shall mean the unity of composition between design elements of a building and/or a group of buildings and the landscape development.

COLLEGE or UNIVERSITY shall mean facilities which conduct regular academic instruction at collegiate levels, including graduate schools, universities, junior colleges, trade schools, nonprofit research institutions and religious institutions. Such institutions shall confer degrees as a college or university for undergraduate or graduate standing, conduct research, or give religious instruction. Private schools, academies, or institutes incorporated or otherwise, which operate for a profit, commercial, or private trade schools are not included in this definition.

COMMISSION shall mean the Springfield Planning Commission.

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

COMMUNICATION SERVICES shall mean establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms. Excluded are facilities classified as utility services or wireless communication towers. Typical uses include television studios, communication service centers, internet service offices, or film and sound recording facilities.

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

COMMUNITY SANITARY SEWER SYSTEM shall mean an approved central sewer collecting system, meeting required standards, available to each platted lot and discharging into a treatment facility. This does not include individual septic systems.

COMMUNITY WATER SUPPLY SYSTEM shall mean a public water supply system which serves at least 15 service connections used by year-round residents or uses, or regularly serves 25 or more year-round residents or uses.

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

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

COMPREHENSIVE PLAN shall mean the Comprehensive Plan of Springfield, Nebraska as adopted by the City Council, setting forth policies for the present and foreseeable future community welfare as a whole and meeting the purposes and requirements set forth in Section 19-903, R.R.S. 1997, as the same may, from time-to-time, be amended.

CONDITIONAL USE shall mean a use where allowed by the district regulations, that would not be appropriate generally throughout the zoning district without restrictions, but which, if controlled as to number, size, area, location, relation to the neighborhood or other minimal protective characteristics would not be detrimental to the public health, safety, and general welfare. Conditional use shall also mean special use.

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

CONDOMINIUM shall be as defined in the Nebraska State Statutes Section 76-824 - 76-894, the Condominium Law, whereby four or more apartments are separately offered for sale. A condominium shall mean a multiple dwelling building as defined herein whereby the title to each dwelling unit is held in separate ownership, and the real estate on which the units are located is held in common ownership solely by the owners of the units with each having an undivided interest in the common real estate.

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

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

CONSERVATION shall mean the protection and care that prevent destruction or deterioration of historical or otherwise significant structures, buildings or natural resources.

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

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

CONSTRUCTION shall mean on-site erection, fabrication, installation, alteration, demolition, or removal of any structure, facility, or addition thereto, including all related activities, but not limited to, clearing of land, earth moving, blasting and landscaping.

CONVENIENCE STORE shall mean a one-story, retail store containing less than 10,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to "Food Sales Limited and Food Sales General.") It is dependent on, and is designed to attract and accommodate large volumes of stop-and-go traffic. (Also, see self-service Station.)



CONTIGUOUS shall mean the same as "Abut".

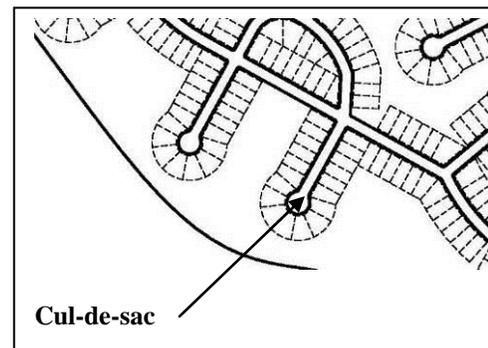
COPY CENTER shall mean a retail establishment that provides duplicating services using photocopying, blueprint, and offset printing equipment, and may include the collating and binding of booklets and reports.

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

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

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

CUL-DE-SAC shall mean a short public way that has only one outlet for vehicular traffic and terminates in a vehicular turnaround.



CURVED LOT see "Lot, Curved".

2.03.04 **D**

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

DEPARTMENT STORE see "Big Box Retail".

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

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

DEVELOPMENT shall mean any unnatural change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations for which necessary permits may be required. Also, shall mean any material change in the use or appearance of any structure or in the land itself; the division of land into parcels; any change in the intensity or

use of land, such as an increase in the number of dwelling units in a structure or a change to a commercial or industrial use from a less intensive use; any activity that alters a river, stream, lake, pond, woodland, wetland, endangered species habitat, aquifer or other resource area.

DEVELOPMENT CONCEPT PLAN shall mean a plan, to scale, showing uses and structures proposed for a parcel of land as required by the regulations. Includes lot lines, streets, building sites, reserved open space, building, major landscape features (both natural and man-made), and depending on requirements, the locations of proposed utility lines.

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

DISABILITY or HANDICAP shall mean the following but shall not include current, illegal use of or addiction to a controlled substance:

1. A physical or mental impairment that substantially limits one or more of such person's major life activities so that such person is incapable of living independently;
2. A record of having such an impairment; or
3. Being regarded as having such impairment.

DOG KENNEL (See Kennel, commercial; and Kennel, private.)

DOMESTIC ANIMALS shall mean the same as household pet and shall not include any type of exotic animal listed in this ordinance.

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

DRAINAGE shall mean the removal of surface water or groundwater from land by drains, grading, or other means that include runoff controls to minimize erosion and sedimentation during and after construction or development, the means for preserving the water supply, and the prevention or alleviation of flooding.

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

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

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

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

DUPLEX shall mean the same as "Dwelling, Two Family".

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

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

1. Permanently Attached: Attached to real estate in such a way as to require dismantling, cutting away, unbolting from permanent continuous foundation or structural change in such manufactured home in order to relocate it on another site in accordance to manufacturers recommendations.

2. Permanent Foundation: Based on which building rests to be constructed from either poured concrete or laid masonry block or brick on a footing located below ground level to a point below the frost line.

DWELLING, MOBILE HOME shall mean any prefabricated structure, composed of one or more parts, used for living and sleeping purposes, shipped or moved in essentially a complete condition and mounted on wheels, skids or roller, jacks blocks, horses, skirting or a permanent or temporary foundation or any prefabricated structure which has been or reasonably can be equipped with wheels or other devices for transporting the structure from place to place, whether by motive power or other means. Each dwelling unit shall be at least eight feet in width and thirty-two feet in length, but two-family mobile homes may have less length than the required minimum if the required width is exceeded by an amount sufficient to provide an area of at least 500 square feet. Mobile homes shall meet all current HUD standards for mobile homes and shall have said sticker stating such is true. The term mobile home shall include trailer home.

DWELLING, MODULAR (Is considered a conventional type single-family dwelling) Shall mean any prefabricated structure, used for dwelling purposes, moved on to a site in an essentially complete constructed condition, in one or more parts, and when completed is a single family unit on a permanent foundation, attached to the foundation with permanent connections. To be a modular home it shall meet or be equivalent to the construction criteria as defined by the Nebraska State Department of Health and Human Services under the authority granted by Section 71-1555 through 71-1567 Revised Statutes of Nebraska 1943, in addition to any amendments thereto, those that do not meet the above criteria shall be considered a mobile home. See Dwelling, Single Family.

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

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

DWELLING, SINGLE FAMILY a building having accommodations for or occupied exclusively by one family which meet all the following standards:

1. The home shall have no less than 900 square feet of floor area, above grade, for single story construction;
2. The home shall have no less than an 18 foot exterior width;
3. The roof shall be pitched with a minimum vertical rise of two and one-half inches for each 12 inches of horizontal run;
4. The exterior material shall be of a color, material and scale comparable with those existing in residential site-built, single family construction;
5. The home shall have a non-reflective roof material that is or simulates asphalt or wood shingles, tile, or rock;
6. The home shall be placed on a continuous permanent foundation and have wheels, axles, transporting lights, and removable towing apparatus removed, and
7. The home shall meet and maintain the same standards that are uniformly applied to all single-family dwellings in the zoning district.
8. Permanent foundation: continuous perimeter base on which building rests to be constructed from either poured concrete or laid masonry block or brick on a footing to be placed a minimum of 42 inches below the final ground level.



Multi-Family Dwelling



Example of Single-Family Attached

DWELLING, SINGLE-FAMILY (ATTACHED) shall mean a one-family dwelling unit that is attached to one additional single-family dwelling. Said dwelling units are separated by an unpierced common wall through the center of the structure that also sits along the property line separating ownership of the structure.

DWELLING, SINGLE-FAMILY (DETACHED) shall mean a dwelling which is entirely surrounded by open space on the same lot and is detached from another single-family dwelling.

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

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

2.03.05 **E**

EASEMENT shall mean a space, lot, parcel, or area of land reserved for or used for public utilities or public or private uses.

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

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

ELEEMOSYNARY INSTITUTION shall mean any building or group of buildings devoted to and supported by charity.

ENCROACHMENT shall mean an advancement or intrusion beyond the lines or limits as designated and established by the ordinance, and to infringe or trespass into or upon the possession or right of others without permission.

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

ERECTED shall mean constructed upon or moved onto a site.

ESCORT shall mean a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

ESCORT AGENCY shall mean a person, or commercial establishment, who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

EVENT CENTER shall mean all buildings and associated parking facilities which are kept, used, maintained, advertised, held out, or otherwise made available to private groups and/or the general public for such purposes as meetings, civic, educational, political, religious or social purpose such as receptions, dances, entertainment, secondhand merchandise sales and the like, and may include a banquet hall, private club or fraternal organization, but not including uses identified in Adult Establishment.

EXERCISE, FITNESS and TANNING SPA shall mean an establishment that provides exercise facilities for the purposes of running, jogging, aerobics, weight lifting, court sports, and/or swimming, as well as locker rooms, showers, massage rooms, tanning beds, hot tubs, saunas or other related accessory uses; however, excluding any uses defined as “adult entertainment establishments”.

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

EXTERIOR BUILDING COMPONENT shall mean an essential and visible part of the exterior of a building.

EXTERNAL DESIGN FEATURE shall mean the general arrangement of any portion of a building, sign, landscaping, or structure and including the kind, color, and texture of the materials of such portion, and the types of roof, windows, doors, lights, attached or ground signs, or other fixtures appurtenant to such portions as will be open to public view from any street, place, or way.

EXTRATERRITORIAL JURISDICTION shall mean the area beyond the corporate limits, in which the City has been granted the powers by the state to exercise zoning and building regulations and is exercising such powers. First Class Cities may have up to a two-mile extraterritorial jurisdiction and Second Class Cities may have up to one mile of extraterritorial jurisdiction.

2.03.06 **F**

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

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

FAMILY shall mean a person living alone, or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking, and eating facilities: (1) any number of people related by blood, marriage, adoption, guardianship, or duly-authorized custodial relationship; (2) two unrelated people; (3) two unrelated people and any children related to either of them; (4) group care home; or (5) group home for the handicapped. Family does not include any society, club, fraternity, sorority, association, lodge combine, federation, coterie, or like organization; any group of individuals whose association is temporary or seasonal in nature; or any group of individuals who are in a group living arrangement as a result of criminal offenses.

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

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

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

FARM ANIMALS or LIVESTOCK shall mean animals associated with agricultural operations, commonly kept or raised as a part of an agricultural operation including but not limited to horses, cattle, sheep, swine, goats, chickens and turkeys.

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

FARMER'S MARKET shall mean the offering for sale of fresh agricultural products directly to the consumer at an open air market designated as a community activity.

FARMSTEAD shall mean a tract of land of not less than one acre and not more than 20 acres, upon which a farm dwelling and other farm building existed at the time of the adoption of this ordinance and is used for single-family resident purposes.

FEEDLOT shall mean a lot, yard, corral or other area in which livestock are confined, primarily for the purpose of feeding and growth prior to slaughter.

FENCE shall mean an enclosure or barrier, such as wooden posts, wire, iron, etc., used as a boundary, means of protection, privacy screening or confinement, but not including vehicles, machinery, equipment, buildings or hedges, shrubs, trees, or other natural growth. A fence shall include retaining walls over four feet in height.

FENCE, AGRICULTURAL shall mean an artificially erected barrier, other than a building, vehicles or machinery, constructed of manmade material, or combination of manmade materials, erected to enclose an area of land used for agricultural purposes. An agricultural fence may be constructed of barbed or meshed wire.

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

FENCE, SEASONAL shall mean a temporary fence constructed of plastic or wood lathe erected and maintained from October through April to prevent snow drifting.

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

FENCE, TEMPORARY shall mean a fence that is erected for construction purposes or for event security and is removed upon completion of the project or end of the event.

FESTIVAL shall mean the sale of ethnic specialty, regional, and gourmet foods, art and crafts, live musical entertainment, in an outdoor setting.

FIREWORKS STAND shall mean any portable or permanent building and/or structure used for the temporary retail sale and storage of fireworks and meets the requirements within the Municipal Code.

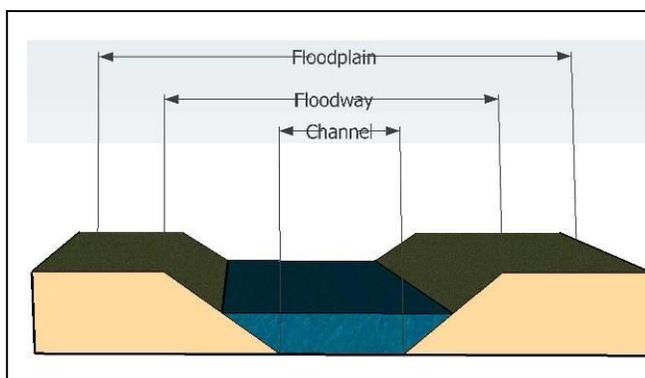
FIREWORKS STORAGE shall mean any permanent building and/or structure where fireworks are stored for any portion of a year provided there is no retail sales made from the storage location. Said storage facility may also be used for the delivery and distribution of fireworks on a wholesale basis.

FLOOD see Section 5.24 of this Ordinance.

FLOOD PLAIN see Section 5.24 of this Ordinance.

FLOODWAY see Section 5.24 of this Ordinance.

FLOOR AREA whenever the term "floor area" is used in this ordinance as a basis for requiring off-street parking for any structure, it shall be assumed that, unless otherwise stated, said floor area applies not only to the ground floor area but also to any additional stories of said structure. All horizontal dimensions shall be taken from the exterior faces of walls.



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

1. **FOOD SALES (LIMITED)** shall mean food sales establishments occupying 10,000 square feet or less of space.
2. **FOOD SALES (GENERAL)** shall mean food sales establishments occupying more than 10,000 square feet of space. Typically a supermarket.

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

FRONTAGE shall mean that portion of a parcel of property which abuts a dedicated public street or highway. See also Lot Frontage and Street Frontage.

2.03.07 G

GARAGE, PRIVATE shall mean a detached accessory building or a portion of a main building on the same lot as a dwelling for the housing of vehicles of the occupants of the dwelling, including carports.

GARAGE, PUBLIC shall mean any garage other than a private garage.

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

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

GATED COMMUNITIES shall mean residential areas that restrict access to normally public spaces. These are subdivisions of usually high-end houses. The type of gates can range from elaborate guard houses to simple electronic arms.

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

GRAPHIC ELEMENT shall mean a letter, illustration, symbol, figure, insignia, or other device employed to express and illustrate a message or part thereof.

GREEN BUILDING shall mean structures that incorporate the principles of sustainable design in which the impact of a building on the environment will be minimal over the lifetime of that building. Green buildings incorporate principles of energy and resource efficiency, practical applications of waste reduction and pollution prevention, good indoor air quality and natural light to promote occupant health and productivity, and transportation efficiency in design and construction, during use and reuse. A building shall be considered “green” if it meets the requirements of the most current LEED certification criteria or any other nationally recognized green building certification program.

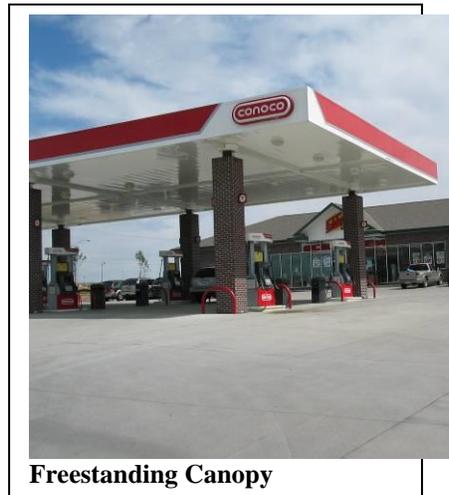
GREENHOUSE shall mean a building or premises used for growing plants, preparation of floral arrangements for off-site delivery to customers, cold storage of flowers or dry storage of materials used for agricultural or horticultural purposes.

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

GROUND COVER shall mean plant material used in landscaping which remains less than 12 inches in height at maturity. (Also, see Landscaping.)

GROUND WATER shall mean water occurring beneath the surface of the ground that fills available openings in the rock or soil materials (whether created or natural) such that they may be considered saturated.

GROUP CARE HOME shall mean a home which is operated under the auspices of an organization which is responsible for providing social services, administration, direction, and control for the home which is designed to provide twenty-four hour care for individuals in a residential setting. The term does not include any society,



Freestanding Canopy

club, fraternity, sorority, association, lodge combine, federation, coterie, or like organization; any group of individuals whose association is temporary or seasonal in nature; or any group of individuals who are in a group living arrangement as a result of criminal offenses.

GROUP HOME FOR THE HANDICAPPED shall mean a dwelling with resident staff shared by four or more handicapped persons who live together as a single housekeeping unit and in a long term, family-like environment in which staff persons provide care, education, and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential. As used herein, the term "handicapped" shall mean having: (1) A physical or mental impairment that substantially limits one or more of such person's major life activities so that such person is incapable of living independently; or (2) A record of having such an impairment.

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

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

GUNSMITH shall mean a shop that designs, makes or repairs small firearms.

2.03.08 **H**

HALF-STORY shall mean a story under a gable, hip or gambrel roof, plates of which are not more than three feet above the floor of such story.

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

HARD SURFACED shall mean any surface used for movement of vehicular and / or pedestrians which is properly designed and paved with either asphalt or concrete.

HARMONY shall mean a quality that represents an appropriate and congruent arrangement of parts, as in an arrangement of varied architectural and landscape elements.

HAZARDOUS WASTE/MATERIALS shall mean waste products of industrial or chemical processes including finished surplus, used, contaminated, or unwanted fertilizer, herbicide, petroleum products, or other such processed waste material.

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

HEALTH RECREATION FACILITY shall mean an indoor or outdoor facility including uses such as game courts, exercise equipment, locker rooms, whirlpool spa and/or sauna and pro shop.

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

HEIGHT OF BUILDING shall mean the vertical distance above grade to the highest point of the coping of a flat roof, of the peak of a gable roof, or of any other type of pitched, hipped, or mansard roof. The grade may mean the highest adjoining sidewalk or ground surface within a five foot horizontal distance of the exterior wall of the building, when such sidewalk or ground surface is not more than 10 feet above grade. The height of a stepped or terraced building is the maximum height of any segment of the building.

HOME IMPROVEMENT CENTER shall mean a facility of more than 40,000 square feet of gross floor area, engaged in the retail sale of various basic hardware lines, such as tools, builders' hardware, lumber, paint and glass, housewares and household appliances, garden supplies, and cutlery.

HOME OCCUPATION shall mean an "in-home" or "home based" business, industry or service (not including uses defined as Adult Entertainment Establishment) operating from a residential dwelling, or within an accessory

structure on the same property in a residential zoning district. Home occupations shall be secondary and incidental in nature to the primary residential structure and/or property in all residential zoning districts. Home occupations shall satisfy the standards set forth in Section 8.07 of these regulations. Home occupations shall include such uses as art/craft making, seamstress services, professional offices (real estate/insurance/medical), multi-level marketing, vending services, service businesses (contracting/janitorial/mechanical), instruction (music), consulting, wholesale/catalogue sales, personal service (beauty/barber/massage/tattoo), shops, renting of rooms for residential purposes, and other similar uses. Uses also include business offices for services such as construction, repair and cosmetic services/sales rendered at other locations and internet businesses. Such uses include on-site sales and services and may include an employee not residing on the premises.

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

HOTEL shall mean a building or portion thereof, or a group of buildings, offering transient lodging accommodations on a daily rate to the general public and providing services associated with restaurants, meeting rooms, and recreational facilities. The word "hotel" includes motel, inn, automobile court, motor inn, motor lodge, motor court, tourist court, motor hotel.

HOUSE TRAILER (see Dwelling: Mobile Home)

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

2.03.09 **I**

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

IMPERVIOUS COVERAGE, MAXIMUM shall mean the percentage measured of a site that may be covered by buildings and other surfaces and development features which prevent the penetration of water into the ground (such as driveways, porches, parking lots, and other features). Limits on impervious coverage help control the velocity and quantity of storm-water runoff and provide for groundwater recharge. See Section 8.20.

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

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

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

INFILL SITE shall mean any vacant lot, parcel, or tract of land within developed areas of the City, where at least 80 percent of the land within a 300-foot radius of the site has been developed, and where water, sewer, streets, and fire protection have already been constructed or are provided.

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

INTENSITY shall mean the degree to which land is used referring to the levels of concentration or activity in uses ranging from uses of low intensity being agricultural and residential to uses of highest intensity being heavy

industrial uses. High intensity uses are normally uses that generate concentrations of vehicular traffic and daytime population and are less compatible with lower intensive uses.

INTENT AND PURPOSE shall mean that the Commission and Council by the adoption of this ordinance, have made a finding that the health, safety, and welfare of the Community will be served by the creation of the District and by the regulations prescribed therein.

2.03.10 **J**

JUICE BAR (See Adult Establishment.)

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

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

2.03.11 **K**

KENNEL, BOARDING AND TRAINING shall mean any lot or premises on which three or more dogs, cats or non-farm/non-domestic or any combination thereof, at least four months of age, are boarded, bred, or trained.

KENNEL, COMMERCIAL shall mean any lot or premises on which three or more dogs, cats or non-farm/non-domestic or any combination thereof (more than two dogs and two cats), at least four months of age, are groomed, bred, boarded, trained, or sold for a fee.

KENNEL, PRIVATE shall mean the keeping, breeding, raising, showing or training of two or fewer dogs, cats, or non-farm/non-domestic or any combination thereof (not exceeding two dogs and two cats), over four months of age for personal enjoyment of the owner or occupants of the property, and for which commercial gain is not the primary objective.

2.03.12 **L**

LABORATORY shall mean a facility used for testing and analyzing medical and dental samples from off-site locations. Testing laboratories shall refer to soil and geotechnical research and analysis. Laboratories do not include human or animal research / testing facilities.

LAGOON shall mean a wastewater treatment facility which is a shallow, artificial pond where sunlight, bacterial action, and oxygen interact to restore wastewater to a reasonable state of purity. This includes both human and livestock wastes. All lagoons shall meet the design criteria and regulations established by the Nebraska Department of Environmental Quality and the Nebraska Department of Health and Human Services.

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

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

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

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

LEED shall mean a professional credential that means Leadership in Energy and Environmental Design as administered and regulated by the United States Green Building Council.

LEED-ND shall mean a professional credential within the overall LEED program meaning Leadership in Energy and Environmental Design – Neighborhood Design as administered and regulated by United States Green Building Council.

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

LIGHT CUT-OFF ANGLE shall mean an angle from vertical, extending downward from a luminaire, which defines the maximum range of incident illumination outward at the ground plane.

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

LIVESTOCK shall mean animals associated with agricultural operation, commonly kept or raised as a part of an agricultural operation including but not limited to horses, cattle, sheep, swine, goats, chickens and turkeys.

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

LOGIC OF DESIGN shall mean accepted principles and criteria of validity in the solution of the problem of design.

LONG-TERM CARE FACILITY shall mean a facility that provides the following services, as such are defined by state law: Nursing home facilities, boarding home, adult care home, assisted living facility, center for the developmentally disabled, group residence, swing bed.

LOT shall mean a parcel or tract of land which is or may be occupied by a use herein permitted, together with yards, and other open spaces herein required, that has frontage upon a street, and is a part of a recorded subdivision plat or has been recorded prior to the adoption of the ordinance, or a parcel of real property delineated on an approved record of survey, lot-split or sub-parceling map as filed in the office of the County Recorder and having frontage along at least one public street or right-of-way, permanent ingress/egress easement meeting city standards, or one private road.

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

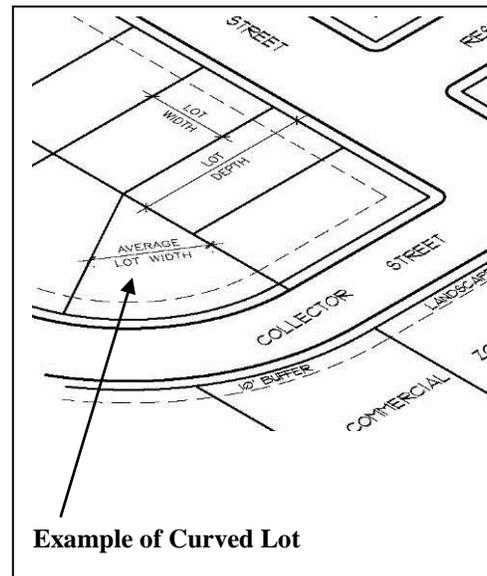
LOT, CORNER shall mean a lot located at the intersection of two or more streets at an angle of not more than 135 degrees. If the angle is greater than 135 degrees, the lot shall be considered an "Interior Lot". The front of such lot shall be the shortest of the two sides fronting on streets. The other yard shall be referred to as the street side yard.

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

LOT, CURVED shall mean a lot fronting on the outside curve of the right-of-way of a curved street, which street has a centerline radius of 300 feet or less.

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

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



LOT, FLAG shall mean a lot with frontage and access provided to the bulk of the lot by means of a narrow corridor.

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

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

LOT LINE shall mean the property line bounding a lot.

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

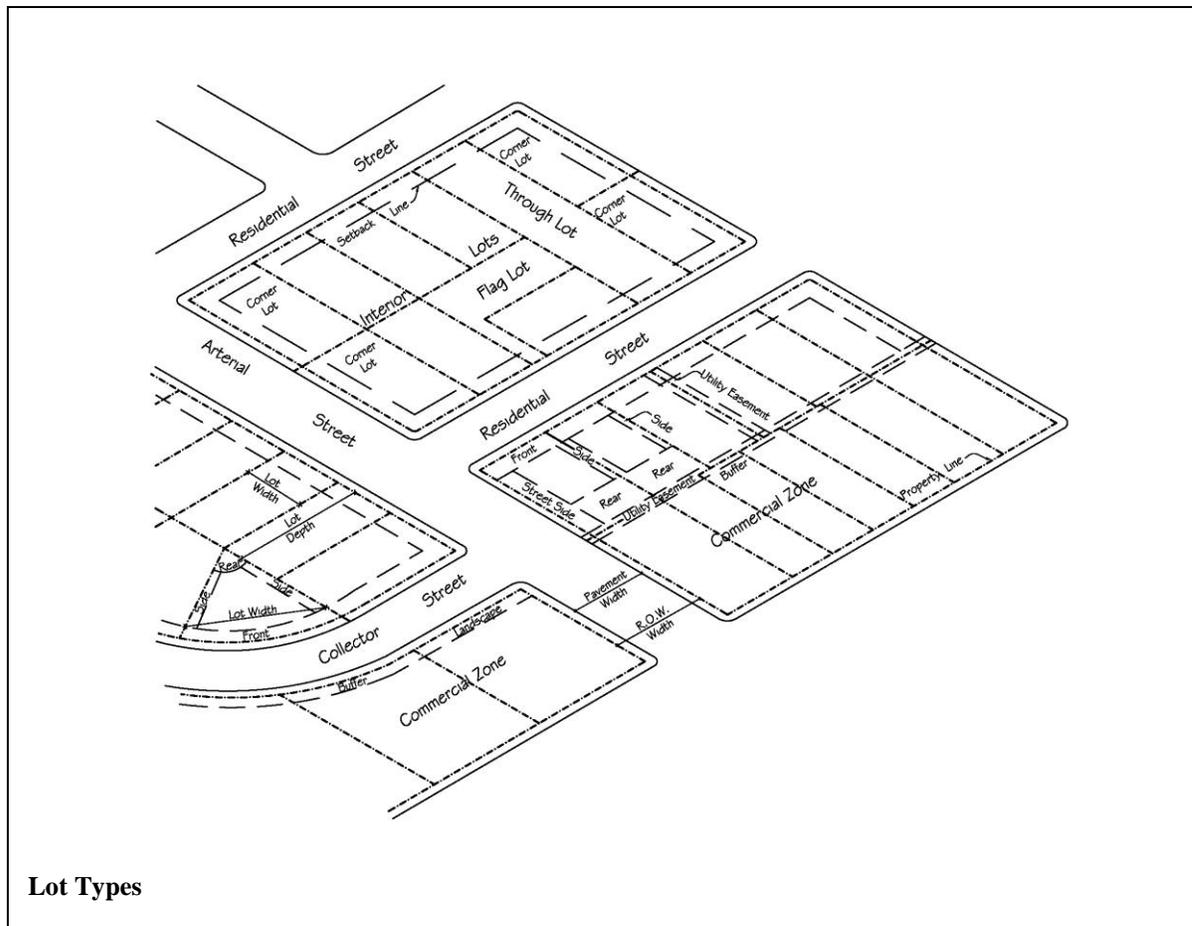
LOT LINE, REAR shall mean a lot line not abutting a street which is opposite and most distant from the front lot line.

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

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

LOT, THROUGH shall mean a lot having frontage on two dedicated streets, not including a corner lot.

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



LOT WIDTH shall mean the horizontal distance between the side lot lines, measured at the front yard setback line.

LOT, ZONING shall mean a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on the approved private street, and may consist of:

1. A single lot of record;
2. A portion of a lot of record;
3. A combination of complete lots of record and portions of lots of record, or of portions of record;
4. A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this ordinance.

2.03.13 **M**

MAIL ORDER SERVICES shall mean an establishment primarily engaged in the retail sale of products by television, telemarketing, internet, catalog, and mail order. Such a use may include warehousing, shipping, and receiving of merchandise intended for retail sale.

MANUFACTURED HOME PARK shall mean a parcel of land under single ownership that has been planned and improved for the placement of manufactured housing used or to be used for dwelling purposes and where manufactured home spaces are not offered for sale or sold. The term "manufactured home park" does not include sales lots on which new or used manufactured homes are parked for the purposes of storage, inspection, or sale.

MANUFACTURED HOME SUBDIVISION shall mean any area, piece, parcel, tract or plot of ground subdivided and used or intended to be used for the purpose of selling lots for occupancy by manufactured homes.

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

MANUFACTURING, LIGHT shall mean an establishment engaged in the indoor manufacturing, assembly, fabrication, packaging or other industrial processing of finished parts or products, primarily from previously prepared materials, or the indoor provision of industrial services. This term includes but is not limited to a business engaged in the processing, fabrication, assembly, treatment, or packaging of food, textile, leather, wood, paper, chemical, plastic, or metal products, but does not include basic industrial processing from raw materials.

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

MASSAGE ESTABLISHMENT shall mean any building, room, place, or establishment other than a regularly licensed and established hospital or dispensary where non-medical or non-surgical manipulative exercises or devices are practiced upon the human body manually or otherwise by any person other than a licensed physician, surgeon, dentist, occupational and/or physical therapist, chiropractor, or osteopath with or without the use of therapeutic, electrical, mechanical, or bathing devices. Said establishment shall comply with all state regulations as per §71-1,278 through §71-1,283, Nebr. R.R.S., 1943

MASSAGE PARLOR (See Adult Massage Parlor, Health Club)

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

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

MEDICAL/DENTAL OFFICES shall mean a building or portion of a building containing offices and facilities for providing medical, dental, and psychiatric services for outpatients only.

MEETING HALL shall mean a building designed for public assembly.

MICROBREWERY (See Brew Pub)

MINI-STORAGE OR MINI-WAREHOUSE (See Self-Service Storage Facility.)

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

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

MOBILE HOME (See Dwelling, Mobile Home)

MOBILE HOME PARK (See Manufactured Home Park.)

MOBILE HOME SUBDIVISION (See Manufactured Home Subdivision.)

MONOTONY shall mean repetitive sameness, lacking variety and variation, and/or reiteration.

MORTUARY shall mean an establishment in which the deceased are prepared for burial or cremation. The facility may include funeral services and spaces for informal gatherings or display of funeral equipment. This classification excludes cemeteries and crematories.

MOTEL (See Hotel.)

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

2.03.14 **N**

NEBRASKA REVISED REISSUED STATUTES, 1943 and the abbreviated term Nebr. R. R. S., 1943 are one and the same.

NEWSSTAND shall mean a temporary structure manned by a vendor, whom sells newspapers, magazines and other periodicals.

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

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

NON-CONFORMING shall mean a building or use, or portion thereof, which was lawful when established but which does not conform to subsequently established zoning regulations.

NON-CONFORMING STRUCTURE shall mean a building or portion thereof which was lawful when established but which does not conform to subsequently established zoning or zoning regulations.

NON-CONFORMING USE shall mean a use lawful when established but which does not conform to subsequently established zoning or zoning regulation.

NON-FARM BUILDINGS are all buildings except those buildings utilized for agricultural purposes on a farmstead of twenty acres or more which produces one thousand dollars or more of farm products each year.

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

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

NURSERY SCHOOL see Preschool

2.03.15 **Q**

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

OFFICE PARK shall mean a development which contains a number of separate office buildings, accessory and supporting uses, and open space all designed, planned, constructed, and maintained on a coordinated basis.

OFFICIAL MAP (See Map, Official Zoning District.)

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

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

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

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

OUTLOT shall mean a lot remnant or parcel of land left over after platting, which is intended as open space or other use, for which no building permit shall be issued for any private structures, except signs.

OUTDOOR ADVERTISING shall include the definitions of "Advertising Structure" and "Sign".

OUTDOOR STORAGE shall mean the storage of any material for a period greater than 72 hours not in an enclosed building, including items for sale, lease, processing, and repair, including motor vehicles.

OVERLAY DISTRICT shall mean a district in which additional requirements act in conjunction with the underlying zoning district. The original zoning district designation does not change.

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

2.03.16 **P**

PAINTBALL shall mean all guns and other devices used for the purpose of firing pellets containing a latex paint at a person or target.

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

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

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

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

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

PARKING SPACE, AUTOMOBILE shall mean an area, other than a street or alley, reserved for the parking of an automobile, such space having a dimension not less than 9 feet by 20 feet, plus such additional area as is necessary to afford adequate ingress and egress.

PARKWAY shall mean an arterial or collector roadway with full or partial control of access, and located within a park or ribbon of park like development.

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

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

PERMANENTLY ATTACHED shall mean connected to real estate in such a way as to require dismantling, cutting away, or unbolting in order to remove, relocate, or replace.

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

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

PET HEALTH SERVICE (See Animal Hospital)

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

PINBALL or VIDEO GAMES BUSINESS (See Amusement Arcade)

PLANNED UNIT DEVELOPMENT shall mean a development designed to provide for an unusual or different arrangement of residential, business, or industrial uses in accordance with an approved development plan.

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

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

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

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

POSTAL STATION shall mean a commercial business which conducts the retail sale of stationery products, provides packaging and mail services (both U.S. Postal and private service), and provides mailboxes for lease.

POULTRY shall mean domestic fowl, chickens, ducks, geese, and similar fowl, but specifically excluding turkeys and guinea fowl.

PRESCHOOL shall mean an early childhood program which provides primarily educational services, where children do not nap and where children are not served a meal.

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

PRINCIPAL BUILDING (see “Building, Principal”)

PRINCIPAL USE (see “Use, Principal”)

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

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

PROPORTION shall mean a balanced relationship of parts of a building, landscape, structures, or buildings to each other and to the whole.

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

PUBLIC FACILITY shall mean any building, location, or structure, owned by a public entity such as a library, fire station, school, park, and other similar facilities and uses.

PUBLIC SERVICES/USE shall mean a specified activity or area that either through actual public ownership or through dedication of easements allows the general public access and use.

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

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

2.03.17 **Q**

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

2.03.18 **R**

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

RECREATIONAL ESTABLISHMENT (See Recreational Facility)

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

RECREATIONAL VEHICLE (RV) shall mean a vehicular unit less than 40 feet in overall length, 8 feet in width, or 12 feet in overall height, primarily designed as a temporary living quarters for recreational camping or travel use having either its own power or designed to be mounted on or drawn by a motor vehicle. Recreational vehicle includes motor home, truck camper, travel trailer, camping trailer, and fifth wheel.

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

RECYCLING FACILITY shall mean any location where the primary use is where scrap or recyclable materials are stored, bought, sold, accumulated, exchanged, packaged, disassembled, or handled, including, but not limited to, scrap metals, paper, rags, tires, bottles and other materials.

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

RE-INSPECTION FEE shall mean any fee charged for an inspection other than the initial inspection when required work has not or was not completed and results in additional trips to the site by the inspector or agent of the City.

RESERVATION CENTER shall mean a travel agency; or other such agency involved in selling and arranging transportation, tours, trips, and accommodations for tourists.

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

RESIDENTIAL AREA shall mean those parcels/areas currently be used as a residential use (whether legal conforming or legal non-conforming) and/or those designated as residential in the future land use plan of the city's comprehensive plan.

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

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

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

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

RETAIL, BIG BOX (see Big Box Retail)

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

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

REVERSE SPOT ZONING shall mean an arbitrary zoning or rezoning of a small tract of land that is not consistent with the comprehensive land use plan and that uniquely burdens an individual owner largely to secure some public benefit. Reverse spot zoning usually results from downzoning a tract of land to a less intensive use classification than that imposed on nearby properties.

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

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

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

ROAD shall mean the same as "Street".

ROAD, PRIVATE shall mean a way, other than driveways, open to vehicular ingress and egress established for the benefit of certain, adjacent properties not to exceed more than four lots served by such road. (Also, see right-of-way and Street.)

ROAD, PUBLIC shall mean a public right-of-way reserved or dedicated for street or road traffic. (Also, see right-of-way and Street.)

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

2.03.19 **S**

SALVAGE YARD shall mean businesses engaged in the storage, collection, purchase, sale, salvage, or disposal of machinery, parts and equipment that are a result of dismantling or wrecking, including scrap metals or other scrap materials, with no burning permitted.

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

SCALE shall mean a proportional relationship of the size of parts to one another and to the human figure.

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



SCHOOL, PRIVATE shall mean facilities which conduct regular academic instruction for a profit, such as commercial schools, private trade schools, and business schools.

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

SEASONAL USE shall mean those land uses and structures that are operated during specific seasons of the year, ie. Christmas tree sales and haunted houses.

SELECTIVE CLEARING shall be the careful and planned removal of trees, shrubs, and plants using specific standards and protection measures.

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

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

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

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

SETBACK LINE, FRONT YARD shall mean the line which defines the depth of the required front yard. Said setback line shall be parallel with the street/road right-of-way line.

SETBACK LINE, REAR YARD OR SIDE YARD shall mean the line which defines the width or depth of the required rear or side yard. Said setback line shall be parallel with the property line, removed therefrom by the perpendicular distance prescribed for the yard in the district.

SETBACK LINE, STREET SIDE YARD shall mean the line which defines the depth of the designated street side yard on a corner lot. Said setback line shall be parallel with the street/road right-of-way line.

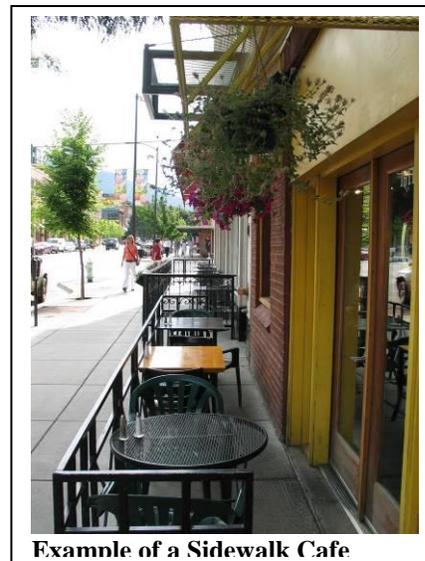
SHOPPING CENTER shall mean a group of commercial establishments planned, constructed, and managed as a total entity with customer and employee parking provided on-site, provisions for goods delivery that is separated from customer access, aesthetic considerations, and protection from the elements.

SHOPPING CENTER, COMMERCIAL STRIP shall mean a commercial development, usually one store deep, that fronts on a major street for a distance of one City block or more. Includes individual buildings on their own lots, with on-site parking and small linear shopping centers with on-site parking in front of the stores.

SHOPPING CENTER, OUTLET shall mean a commercial development that consists mostly of manufacturers' outlet stores selling their own brands at a discounted price. This definition includes all forms of centers, such as strip style, enclosed mall style, and city clustered style centers.

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

SIDEWALK CAFE shall mean an area adjacent to a street level eating or drinking establishment located adjacent to the public pedestrian walkway and used exclusively for dining, drinking, and pedestrian circulation.



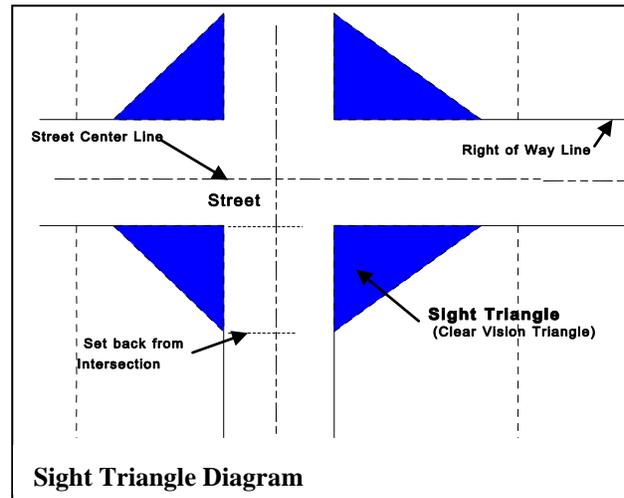
Example of a Sidewalk Cafe

The area may be separated from the public sidewalk by railings, fencing, or landscaping or a combination thereof.

SIGHT TRIANGLE is an area at a street intersection (or street and railroad) in which nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of 30 inches and eight feet above grade level within the triangular area formed by the intersection of the nearest edges of the street paving or surface as extended and a line connecting points along such street paving or surface which is at a distance of 75 feet from the intersection of said streets. See also Section 4.09.

SIGN see Article 7 of this Ordinance.

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



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

SITE PLAN (see Development Concept Plan)

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

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

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

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

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

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

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

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

SOLID WASTE COMPANY shall mean any company or firm that takes away, removes, or transfers solid wastes from one location to another through the use of vehicles or rail cars.

SPECIAL USE OR SPECIAL USE PERMIT shall mean conditional use or conditional use permit.

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

STABLE shall mean a facility, either as a principal or accessory use, that is designed for the maintenance, rental, or storage of non-domesticated animals.

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

STATE shall mean the State of Nebraska.

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

STOREFRONT shall mean the public-accessible entrance(s) to a commercial use visible from a private/public street or sidewalk.

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

STORMWATER DETENTION shall mean any storm drainage technique that retards or detains runoff, such as a detention or retention basin, parking lot storage, rooftop storage, porous pavement, dry wells, or any combination thereof. Said detention shall be designed by a licensed professional engineer and approved by the City.

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

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

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



An Example of a Stormwater Management project

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

STORY, ONE-HALF shall mean the same as "Half-Story".

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

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

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

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

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

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

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

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

STREET HARDWARE shall mean man-made objects other than buildings that are part of the streetscape. Examples are: lamp posts, utility poles, traffic signs, benches, litter containers, planting containers, letter boxes, fire hydrants.

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

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

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

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

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

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

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

STRUCTURE, ADVERTISING shall mean the same as "advertising structure".

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

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

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

SWIMMING POOL shall mean a structure, and all appurtenant equipment, constructed either above or below grade with a depth of at least 18 inches utilized for the purposes of swimming, diving, or wading.

2.03.20 T

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

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

TAVERN (See Bar.)

TELECOMMUNICATIONS FACILITY shall mean any facility that transmits and/or receives signals by electromagnetic or optical means, including antennas, microwave dishes, horns, or similar types of equipment, towers or similar structures supporting such equipment, and equipment buildings.

TELEPHONE EXCHANGE shall mean a building used exclusively for the transmission and exchange of telephone messages, but the term shall not include wireless communications towers.

TEMPORARY STRUCTURE shall mean a structure without any foundation or footing and removed when the designated time period, activity or use for which the temporary structure was erected has ceased.

TEMPORARY USE shall mean a use intended for limited duration, not to exceed three months, to be located in a zoning district not permitting such use. Temporary use permits are limited to four per calendar year per lot/property

THEATER shall mean a building or structure used for dramatic, operatic, motion pictures, or other performance, for admission to which entrance money is received and no audience participation or meal service.

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

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

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

TRANSPORTATION SERVICES shall mean establishments providing services incidental to transportation, such as forwarding, packing, crating, or other means of preparing goods for shipping.

TRANSFER STATION (REFUSE) shall mean any enclosed facility where solid wastes, trash, or garbage is transferred from one vehicle or rail car to another or where solid wastes, trash, or garbage is stored and consolidated before being transported for disposal elsewhere.

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

2.03.21 U

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

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

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

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

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

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

USE, PRINCIPAL shall mean the main use of land or structure, as distinguished from an accessory use. (Also, see Building, Principal.)

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

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

UTILITY EASEMENT shall mean the same as "Easement".

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

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

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

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

2.03.22 **V**

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

VEGETATION shall mean all plant life; however, for purposes of this Zoning Regulation it shall be restricted to mean trees, shrubs, and vines.

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

VEHICLE, MOTOR (See Motor Vehicle.)

VETERINARY SERVICES shall mean a building or part of a building used for the care, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those who are in need of medical or surgical attention. Such clinics may or may not also provide long-term lodging for ill or unwanted animals, or lodging for healthy animals on a fee basis. Such clinics may or may not also provide general grooming practices for such animals.

VIEW shall mean a range of sight including pleasing vistas or prospects or scenes. Views include but are not limited to the sight of geologic features, water, skylines, bridges, and distant cities.

VIEW CORRIDOR shall mean the line of sight identified as to height, width, and distance of an observer looking toward an object of significance to the community or the route that directs a viewer's attention.

VIEW PROTECTION REGULATIONS shall mean the regulations that protect the view of or from particular points, usually via height limitations.

VISUAL IMPACT shall mean a modification or change that could be either compatible or incompatible with the scale, form, texture, or color of the existing natural or man-made landscape.

VOCATIONAL OR SPECIAL TRAINING FACILITIES shall mean a specialized instructional establishment that provides on-site training of business, commercial, and/or trade skills such as accounting, data processing, and computer repair. This classification excludes establishments providing training in an activity that is not otherwise permitted in the zone. Incidental instructional services in conjunction with another primary use shall not be included in this definition.

2.03.23 **W**

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

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

WASTEWATER LAGOON (See Lagoon.)

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

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

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

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

WILDLIFE shall mean animals or plants existing in their natural habitat.

WIND ENERGY SYSTEM shall mean a wind-driven machine that converts wind energy into electrical power for the primary purpose of resale or off-site use.

WIRELESS COMMUNICATIONS TOWER shall mean a structure designed and constructed to support one or more antennas used by commercial wireless telecommunication facilities and including all appurtenant devices attached to it. A tower can be freestanding (solely self-supported by attachment to the ground) or supported (attached directly to the ground with guy wires), of either lattice or monopole construction.

2.03.24 **X**

2.03.25 **Y**

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

YARD, FRONT shall mean a space between the front yard setback line and the front lot line or street/road right-of-way line, and extending the full width of the lot.

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

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

YARD, STREET SIDE shall mean a yard adjacent to a street, other than a front yard on a corner lot and extending the full width or length of the lot.

2.03.26 **Z**

ZONED LOT see Lot, Zoning.

ZONING ADMINISTRATIVE OFFICER shall mean the person or persons authorized and empowered by the City to administer and enforce the requirements of this Ordinance.

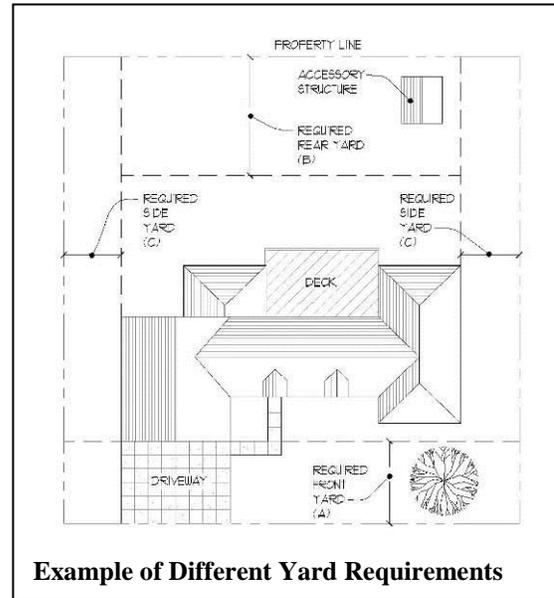
ZONING DISTRICT shall mean a portion of the zoned area of the City of Springfield and the extraterritorial jurisdiction for which uniform regulations governing the use, height, area size and intensity of the use of buildings and structures, land and open space are established by this ordinance. Zoning district shall also mean any section or sections of this ordinance which sets forth such uniform regulations.

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

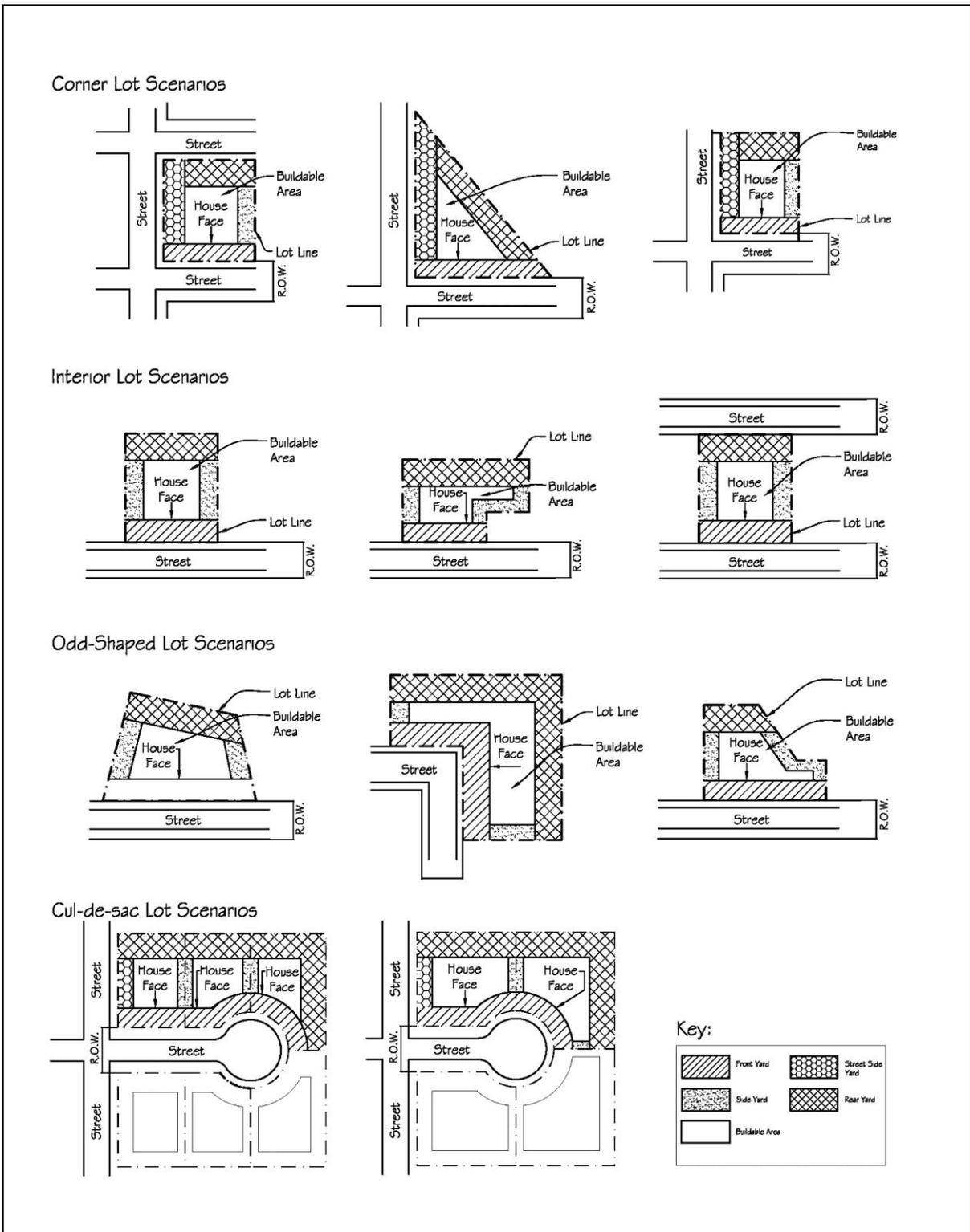
ZOO shall mean an area, building, or structures which contain wild animals on exhibition for public viewing.

ZOO ANIMALS shall mean those animals that are kept in either a zoo or private zoo which are not native to Nebraska or the Great Plains region.

ZOO, PRIVATE shall mean any lot, building, structure, enclosure, or premises whereupon or wherein are kept by any person, other than a municipal corporation, the United States, the state, or any other political subdivision thereof, two or more wild animals, whether such keeping is for pleasure, profit, breeding, or exhibiting, and including places where two or more wild animals are boarded, kept for sale or kept for hire.



Example of Different Yard Requirements



Example of possible Lot Configurations and Yard Requirements

ARTICLE 3: DISTRICTS AND OFFICIAL MAP**Section 3.01 Districts**

In order to regulate and restrict the height, location, size and type of buildings, structures and uses allowed on land in the City and the area within the prescribed extraterritorial jurisdiction of the City as allowed under Nebraska Revised Statutes and the City is hereby divided into districts.

Section 3.02 Provision for Official Zoning Map

3.02.01 The City is hereby divided into districts, as shown on the Official Zoning Map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance. The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and bearing the seal of the City under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 3.02 of Ordinance No. _____ of the City of Springfield, Nebraska", together with the date of the adoption of this Ordinance.

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

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

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

ARTICLE 4: GENERAL PROVISIONS

Section 4.01 Planning Commission Recommendations

Pursuant to Section §19-901 et. seq., (Nebraska Reissue Revised Statutes, 1943), it shall be the purpose of the Planning Commission to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein.

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

Section 4.02 District Regulations, Restrictions, Boundary Creation

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

Section 4.03 Jurisdiction

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

Section 4.04 Protection Corridors

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

Section 4.05 Provisions of Ordinance Declared to be Minimum Requirements

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, or general welfare. Whenever the provisions of this Ordinance require a lower height of building or lesser size of yards, courts or other spaces, or require a lower height of building or lesser number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in any other ordinance, the provisions of this Ordinance shall govern. Wherever the provisions of any other ordinance requires a greater width or size of yards, courts, or other open spaces, or requires a lower height of building or a lesser number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by the provisions of this Ordinance, the provisions of such ordinance shall govern.

Section 4.06 Zoning Affects Every Building and Use

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

Section 4.07 Lot

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

4.07.02 More than one principal building, of a single permitted use may be located upon a lot or tract in the following instances:

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

Section 4.08 Reductions in Lot Area Prohibited

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

Section 4.09 Obstructions to Vision at Street Intersections Prohibited

Nothing between the height of 30 inches and eight feet shall be located, erected, maintained, or allowed to grow above grade level within the triangular area formed by the intersection of the nearest edges of the street paving or surface as extended and a line connecting points along such street paving or surface which is 75 feet from the intersection of said streets or within the street median/island along said streets in all districts except the DC and BG Zoning Districts where uses have a zero front yard and street side yard setback unless on a street/road designated as a collector or arterial then use distance of 35 feet from described intersection. No street tree shall be planted closer than thirty-five (35) feet from any street corner, measured from the point of the nearest intersection of curbs or curb lines.

All landscaping materials or structures installed in the street/road right-of-way, including islands, medians, roundabouts, and chicanes, shall be at least 50% non-opaque between the heights of 30 inches and 8 feet, unless approved by the City, to reduce vision and hearing obstruction and the interference with pedestrian or vehicular traffic in any way.

Section 4.10 Yard Requirements

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

Section 4.11 Through Lots

- 4.11.01 Through Lots shall follow the following criteria:
1. Where a Through Lot abuts a major thoroughfare, such as Highway 50 and access is made from the other frontage street and access along said thoroughfare is restricted, the Rear Yard setback for fences and screening devices shall be zero feet. The Rear Yard setback for accessory buildings shall follow the prescribed setback within the zoning district.
 2. Where a Through Lot is part of a triple frontage lot and abuts a major thoroughfare, the Rear Yard shall meet the standards of 4.10.01 (1), while the other two frontages shall be treated as a Corner Lot with a Front Yard setback and a Street Side Yard setback.
 3. Where a Through Lot occurs, other than along a major thoroughfare, the following shall apply:
 - A. Where all principal structures in the development face the same frontage, then the Rear Yard setback for fences and screening shall be zero feet and all accessory buildings shall meet the prescribed setback within the zoning district. This shall apply similarly at triple frontage lots, provided the remaining two frontages are treated like a typical Corner Lot.
 - B. Where principal structures face different directions along both frontages, the Rear Yard setback for fences and screening shall be the same as any prescribed Rear Yard setback within the zoning district. This shall apply similarly at triple frontage lots, provided the remaining two frontages are treated like a typical Corner Lot. All accessory buildings in this condition, shall comply with the minimum Rear Yard setbacks rather than the reduced setback allowed for accessory buildings.

Section 4.12 Drainage

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

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

Section 4.13 Permitted Obstructions in Required Yards

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

- 4.13.01 *All Yards:* Steps and accessibility ramps used for wheelchair and other assisting devices which are four feet or less above grade which are necessary for access to a permitted building or for access to a lot from a street or alley; chimneys projecting 24 inches or less into the yard; recreational and laundry-drying equipment; approved freestanding signs; arbors and trellises; flag poles; window unit air conditioners projecting not more than 18 inches into the required yard; cantilevers and/or fireplaces not more than 24 inches into the required yard, are permitted in all yards.
- 4.13.02 *All Yards:* Terraces, patios, uncovered decks, and ornamental features which have no structural element more than three (3) feet above or below the adjacent ground level may project six (6) feet into a required front yard, four (4) feet into a required side yard, or ten (10) feet into a required rear yard. Uncovered decks that are on the first floor level, but exceed three (3) feet above the adjacent ground, may project ten (10) feet into the required rear yard. Awnings may project six (6) feet into a required front or rear yard and four (4) feet into a required side yard. However, all projections must be set back at least three (3) feet from an adjacent side lot line; or twenty feet (20) from any street property line.
- 4.13.03 *Front Yards:* Bay windows projecting three feet or less into the yard are permitted. Also permitted are open or screened porches, platforms or terraces not over three (3) feet above the average level of the adjoining ground, including a permanently roofed-over terrace or porch; and awnings and canopies provided they do not extend or project into the yard more than six (6) feet.
- 4.13.04 *Rear and Side Yards:* Open off-street parking spaces or outside elements of central air conditioning systems (in existing developments), extending not more than four (4) feet into the yard are permitted.
- 4.13.05 *Double Frontage Lots:* The required front yard shall be provided on the narrow side of a corner lot and on the front door side of a through lot. The minimum rear setback of a lot may be reduced to 10 (ten) feet when a boundary along one of the dedicated streets has been patted as the rear lot line and when a screening fence approved by the City as to location and height, is erected along the rear lot line.
- 4.13.06 *Building Groupings:* For the purpose of the side yard regulation a group of business or industrial buildings separated by a common party wall shall be considered as one building occupying one lot.

Section 4.14 Accessory Building and Uses

- 4.14.01 No accessory building shall be constructed upon a lot for more than six months prior to beginning construction of the principal building, except in the AR District. No accessory building shall be used for more than six months unless the principal building on the lot is also being used or unless the principal building is under construction, except in the AR District; however, in no event shall any such building be used as a dwelling unless a certificate of occupancy shall have been issued for such use.
- 4.14.02 No detached accessory building or structure shall exceed the maximum permitted height of the district.
- 4.14.03 No accessory building shall be erected in or encroach upon the required street side yard on a corner lot or the front yard of a double frontage lot.
- 4.14.04 Outdoor swimming pools and bathing facilities on residential properties are considered accessory structures and shall meet appropriate setbacks and sides of the pool deck/apron shall be located at least four feet from any lot line.
- 4.14.05 Detached accessory buildings or structures shall be located no closer than 10 feet to any other accessory or principal building as provided in the local building code.
- 4.14.06 All accessory buildings, regardless of zoning district, shall be subordinate to the principal building with regard to size and building footprint except in the AR and RT Districts.
- 4.14.07 All accessory buildings shall be to the rear of the principal structure unless otherwise specified.
- 4.14.08 Detached garages and outbuildings in Residential Districts, except for the AR District, for storage uses and other structures customary and appurtenant to the permitted uses shall be constructed of materials customarily used in residential construction and be consistent with materials and color of the principle structure. The roofs of said building shall have a minimum 3:12 pitch. Metal roofing and vertical metal siding are not permitted. Such structures shall be enclosed on at least three sides. Carports and portable storage containers are not permitted, unless provided for in these regulations.
- 4.14.09 The side or rear yard setback for an accessory structure having vehicular access through said yard to an alley, public street, private road, or ingress/egress easement shall be a minimum of 15 feet.
- 4.14.10 In the R-87, R-50, R-30 and RB Residential Districts, a maximum of two accessory structures shall be allowed
 - 1. Detached garages shall count as one accessory structure, with a maximum allowable size of 720 square feet.

2. Garden sheds shall count as one accessory structure, with a maximum allowable size of 144 square feet.
- 4.14.10 Regulation of accessory uses shall be as follows:
1. Except as herein provided, no accessory building shall project beyond a required yard line along any street.
 2. Service station pumps and pump island may occupy the required yards, provided, however, that they are not less than 15 feet from street lines.

Section 4.15 Permitted Modifications of Height Regulations

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

Belfries	Public Monuments
Chimneys	Ornamental Towers and Spires
Church Spires	Radio and Television
Conveyors	Towers less than 50 feet in height
Cooling Towers	Silos
Elevator Bulkheads	Smoke Stacks
Fire Towers	Stage Towers or Scenery Lots
Water Towers and Standpipes	Tanks
Flag Poles	Air-Pollution Prevention Devices

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

Section 4.16 Occupancy of Basements and Cellars

No basement or cellar shall be occupied for residential purposes until the remainder of the building has been substantially completed.

Section 4.17 Non-Conforming, General Intent

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

Section 4.18 Non-conforming Lots of Record

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

Section 4.19 Non-conforming Structures

- 4.19.01 **Authority to continue:** Any structure which is devoted to a use which is permitted in the zoning district in which it is located, but which is located on a lot which does not comply with the applicable lot size requirements and/or the applicable bulk regulations, may be continued, so long as it remains otherwise lawful, subject to the restrictions of this section.
- 4.19.02 **Enlargement, Repair, Alterations:** Any such structure described in Section 4.19.01 may be enlarged, maintained, repaired or remodeled, provided, however, that no such enlargement, maintenance, repair or remodeling shall either create any additional nonconformity or increase the degree of existing nonconformity of all or any part of such structure, except that as to structures located on a lot that does not comply with the applicable lot size requirements, the side yard requirements shall be in

conformance with this section, and unless otherwise permitted by or as specified in the Residential District. All enlargements shall meet all existing required setbacks unless provided elsewhere in this Ordinance.

- 4.19.03 **Damage or Destruction:** In the event that any structure described in Section 4.19.01 is damaged or destroyed, by any means other than by natural acts (such as tornado, flood or unintentional fire), to the extent of more than 50 percent of its structural value exclusive of land and foundation at the time of such damage or destruction, such structure shall not be restored unless it shall thereafter conform to the regulations for the zoning district in which it is located; provided that structures located on a lot that does not comply with the applicable lot size requirements in Section 4.18, shall not have a side yard of less than five feet. When a structure is damaged to the extent of less than 50 percent of its structural value, no repairs or restoration shall be made unless a building permit is obtained and restoration is actually begun within one year after the date of such partial destruction and may be extended six months upon an approved building Permit extension request.
- 4.19.04 **Moving:** No structure shall be moved in whole or in part for any distance whatever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.

Section 4.20 Non-conforming Uses

- 4.20.01 **Non-conforming Uses of Land:** Where at the effective date of adoption or amendment of this ordinance, lawful use of land exists that is made no longer permissible under the terms of this ordinance as enacted or amended, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:
1. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance;
 2. No such non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this ordinance;
 3. If any such non-conforming use of land ceases for any reason for a period of more than 12 consecutive months, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.
- 4.20.02 **Non-conforming Uses of Structures:** If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of this ordinance, that would not be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful subject to the following provisions:
1. No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to use permitted in the district in which it is located;
 2. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance but no such use shall be extended to occupy any land outside such building;
 3. If no structural alterations are made, any non-conforming use of a structure or structures and premises may be changed to another non-conforming use provided that the Planning Commission and City Council, after each has completed a Public Hearing as per State Statute, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Planning Commission and/or City Council may require appropriate conditions and safeguard in accord with the provisions of this ordinance;
 4. Any structure, or structure and land in combination, in any or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located and the non-conforming use may not thereafter be resumed;
 5. When a non-conforming use of a structure or structure and premises in combination is discontinued or abandoned for 12 consecutive months, the structure or structure and premises in combination shall not thereafter be used except in conformance with the regulations of the district in which it is located;

6. Where non-conforming use status is applied to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming statutes of the land.

Section 4.21 Repairs and Maintenance

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

Section 4.22 Uses under Conditional Use Permit not Non-conforming Uses

Any use for which a conditional use permit is issued as provided in this ordinance shall not be deemed a non-conforming use, but shall without further action be deemed a conforming use in such district.

Section 4.23 Public Safety Radio Amplification Systems

- 4.23.01 **General:** Except as otherwise provided, no person shall maintain, own, erect, construct, remodel, renovate, or provide an addition of more than 20 percent to, any building or structure or any part thereof or cause the same to be done which fails to support adequate radio coverage for the Sarpy County Radio Communications System (SCRCS), including but not limited to emergency service workers, firefighters and police officers. Descriptively, adequate coverage means the ability for SCRCS users to transmit into the building an intelligible voice signal that may be heard; the ability to receive an intelligible voice signal transmitted and originating from within the building; and, the ability to transmit and receive intelligible voice signals among users who are within the building.

For purposes of this section, adequate radio coverage shall include all of the following:

- 1) A minimum received signal strength in the building of one micro volts (-107 dBm) available in 90 percent of the area of each floor when transmitted from the SCRCS;
 - 2) A minimum signal strength of one micro volts (-107 dBm) received by the SCRCS when transmitted from 90 percent of the area of each floor of the building;
 - 3) The frequency range that must be supported shall be 806 MHz to 869 MHz; and,
 - 4) A 90 percent reliability factor shall be required.
- 4.23.02 **Testing Procedures:** Initial Tests; It will be the building owner's responsibility to have the building tested to ensure that two-way coverage on each floor of the building is a minimum of 90 percent. At a minimum, the test shall be conducted using a Motorola MTS 2000, or equivalent portable radio, talking through the SCRCS. Radios may be obtained for conduct of the tests from the Sarpy County Communications Department (SCCD). The gain values of all amplifiers shall be measured and the test measurement results shall be provided to the SCCD and kept on file so that the measurements can be verified each year during the annual tests. The SCCD will be informed of the schedule for such testing, and, at its discretion may participate as an observer. A Certificate of Occupancy shall not be issued to any structure if the building fails to comply with this section. Annual Tests; the building owner shall be responsible to conduct annual tests. Such tests shall follow the guidance outlined in Section 4.23.01 and 4.23.02 above.
- 4.23.03 **Amplification Systems Allowed:** Buildings and structures that cannot support the required level of radio coverage shall be equipped with any of the following in order to achieve the required adequate radio coverage: a radiating cable system or an internal multiple antenna system with or without FCC accepted bi-directional amplifiers as needed. If used, bi-directional amplifiers shall include filters to reduce adjacent frequency interference at least 35 dB below the National Public Safety Planning Advisory Committee (NPSPAC) band. The filters shall be tuned to 825 MHz and to 870 MHz so that they will be 35 dB below the NPSPAC frequencies of 824 MHz and 869 MHz respectively. Other settings may be used provided that they do not attenuate the NPSPAC frequencies and further provided that they are not more than one MHz from the NPSPAC frequencies. If any part of the installed system or systems contains an electrically powered component, the system shall be capable of operating on an independent battery and/or generator system for a period of at least 12 hours without external power input. The battery system shall automatically charge in the presence of an external power input.

4.23.04 **Field Testing:** SCCD personnel, after providing reasonable notice to the owner or his representative, shall have the right to enter onto the property to conduct field testing to certain the required level of radio coverage is present.

4.23.05 **Exemptions:** This section shall not apply to; buildings permitted in residential districts; any building constructed of wood frame; any building 35 feet high or less; long as none of the aforementioned buildings make use of any metal construction or any underground storage or parking areas. For purposes of this section, parking structures and stairwells are included in the definition of “building” and stair shafts are included in the definition of “all parts of a building”, but elevators may be excluded.

Section 4.24 Fees

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

Section 4.25 Prohibited Uses

All uses not specifically listed within a particular zoning district are deemed to be prohibited until some point where this Ordinance is amended to include a given use.

ARTICLE 5: ZONING DISTRICTS

Section 5.01 Districts: Use.

- 5.01 Districts; Use
- 5.02 Districts; Boundaries
- 5.03 Rules for Interpretation of District Boundaries
- 5.04 Classification of Districts Upon Annexation and Conformance with the Land Use Plan
- 5.05 (AR) Agriculture Residential District
- 5.06 (RT) Rural Arts/Tourism District
- 5.07 (R100) Single-Family Residential District
- 5.08 (R92) Single-Family Residential District
- 5.09 (R87) Single-family Residential District
- 5.10 (R50) Two-Family Residential District
- 5.11 (R30) General Family Residential District
- 5.12 (RB) Residential Business District
- 5.13 (M) Modified Residential District
- 5.14 (MU) Mixed Use District
- 5.15 (DC) Downtown Commercial District
- 5.16 (BG) General Business District
- 5.17 (BH) Highway Business District
- 5.18 (BP) Business Park District
- 5.19 (LI) Light Industrial District
- 5.20 (PUD) Planned Unit Development District
- 5.21 (HCO) Highway Corridor Overlay District
- 5.22 (CO) Corridor Overlay District
- 5.23 (MSO) Main Street Overlay District
- 5.24 (FF/FW) Flood Plain Overlay District
- 5.25 Zoning District Summary Table

For the purpose of this Ordinance, the Municipality is hereby divided into nineteen (19) districts, designated as follows:

- (AR) Agriculture Residential District
- (RT) Rural Arts/Tourism District
- (R100) Single-Family Residential District
- (R92) Single-Family Residential District
- (R87) Single-Family Residential District
- (R50) Two-Family Residential District
- (R30) General Family Residential District
- (RB) Residential Business District
- (M) Modified Residential District
- (MU) Mixed Use District
- (DC) Downtown Commercial District
- (BG) General Business District
- (BH) Highway Business District
- (BP) Business Park District
- (LI) Light Industrial District
- (PUD) Planned Unit Development District
- (HCO) Highway Corridor Overlay District
- (CO) Corridor Overlay District
- (MSO) Main Street Overlay District
- (FF/FW) Flood Plain Overlay District

Section 5.02 Districts; Boundaries

The boundaries of the districts are hereby established as shown on the maps entitled "Official Zoning Map of the City of Springfield, 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 Springfield shall be zoned to conform to the Land Use Plan.

- A. All uses not specifically listed are hereby prohibited

Section 5.05 AR Agriculture Residential District

- A. *Intent.* Provides for agriculture, low density residential development; minimum lot area of 5 acres, and interim uses under special conditions.
- B. *Permitted Uses*
1. Agricultural farms, truck gardens, green houses, pasture, plant nurseries, orchards, grain storage facilities, and the usual agricultural farm buildings and structures
 2. Single-family dwellings
 3. Roadside stands offering for sale agriculture products produced on the premises
 4. Church, seminary and convent, including residences for pastors and teachers
 5. Public and parochial school; college
 6. Publicly owned and operated buildings and facilities such as community centers, auditoriums, libraries, and museums
 7. Fire Station
 8. Public parks and recreation areas, playgrounds, forest and conservation areas, including commercial uses and campgrounds under franchise of the County or State government agencies
 9. Private recreation areas and facilities, including lakes, ponds, country clubs, golf courses, and swimming pools
 10. Public utility distribution systems, substations, terminal facilities, and reservoirs
 11. Railroads
 12. Irrigation facilities
 13. Agricultural Processing as relating to a winery
 14. Home occupations subject to Section 8.07
- C. *Permitted Conditional Uses*
1. Cell/telecommunication towers
 2. Airport
 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. Extraction and processing of rock, gravel, sand, clay, and dirt
 5. Temporary trailer
 6. Commercial recreational areas including facilities for fishing, shooting, hunting, auto racing, cycle clubs, bridal clubs, etc.
 7. Commercial camping areas
 8. Publicly owned and operated buildings and facilities such as community centers, auditoriums, libraries, museums, and privately owned non-commercial museums and historic areas
 9. Hospitals, nursing homes, and eleemosynary institutions
 10. Billboards
 11. Signs
 12. Private barns, and associated livestock, for 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
 13. Planned Development District
 14. Satellite dish antennas that conform to the supplementary regulations of this Ordinance
 15. Child care home
 16. Licensed Recreational Vehicle Storage- Out of Doors and/or Within an Enclosed Building
 17. Unlicensed Recreational vehicle Storage – Within and Enclosed Building
 18. Bed and Breakfast
 19. Concrete recycling and distribution plant
- 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 Board 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

E. *Height and Area Requirements*

	<u>Area</u>	<u>Lot Width</u>	<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>	<u>Maximum Height</u>
Dwelling	5 Acres***	300'	50'	20'	25'	2 ½ stories or 35'
Other Permitted Uses*	---	400'	50'	15'	25'	65'
Accessory Buildings**	---	---	70'	5'	5'	30'

* Agricultural uses are exempt from maximum height requirements.

**Including provisions listed in Section 4.14 pertaining to Accessory Building and Uses

***Excluding road right-of-way.

1. 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 1,200 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 1,200 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 lines used for living purposes shall contain at least 600 square feet, exclusive of garages and other 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 1,000 square feet or 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.
2. A lot used for a residential dwelling which is connected to a community sanitary sewer system and a community water system approved by the city, may have a minimum lot area of 20,000 square feet and a minimum lot width of 100 feet. No structure may be located closer than 40 feet to any side street line.

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 Article 6 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 7.11 Fences, Wall, and Similar Structures.

Section 5.06 RT Rural Arts/Tourism District

- A. *Intent.* Provides for agriculture; low-density residential development; resident operated commercial operations related to arts, crafts, and tourism; and limited commercial operations. Minimum lot area of 2 acres.
- B. *Purpose*
1. To create opportunities for residential and commercial operations that promote: tourism, education, cultural awareness, artistry, and recreation in Springfield.
 2. To expand business and job opportunities, and encourage development of residential and commercial buildings.
 3. To encourage adaptive reuse of existing buildings and farmsteads in the area.
- C. *Permitted Uses*
1. Agricultural farms, truck gardens, green houses, pasture, plant nurseries, orchards, grain storage facilities, and the usual agricultural farm buildings and structures
 2. Single-family dwellings
 3. Roadside stands offering for sale agriculture products produced on the premises
 4. Church, seminary and convent, including residences for pastors and teachers
 5. Public and parochial school; college
 6. Publicly owned and operated buildings and facilities such as community, centers, auditoriums, libraries, and museums
 7. Fire Station
 8. Public parks and recreation areas, playgrounds, forest and conservation areas, including commercial uses and campgrounds under franchise of the County or State government agencies
 9. Private recreation areas and facilities, including lakes, ponds, country clubs, golf courses, and swimming pools
 10. Public utility distribution systems, substations, terminal facilities, and reservoirs
 11. Railroads
 12. Irrigation facilities
 13. Florists
 14. Home occupations subject to Section 8.07
- D. *Permitted Conditional Uses (Permitted without conditional use if site is the primary residence of the operator)*
1. Antiques – restoration and sale of antiques and collectibles
 2. Artist and photographic studios
 3. Artist Supply shops
 4. Antique shops
 5. Bicycle shops
 6. Handicraft shops, such as jewelry, stained glass, woven rugs, candle making and ceramics
 7. Weaving
 8. Boutiques
 9. Candle making
 10. Cartoon animation
 11. Ceramics and pottery production
 12. Costume designing
 13. Dance and drama studio, not including any dance activities requiring a license
 14. Fine arts gallery
 15. Glass – The hand production of glass crystal, art novelties and the assembly of stained art glass
 16. Musical instruments
 17. Picture mounting and framing
 18. Shoe and footwear manufacturing
 19. Silkscreen processing
 20. Textile weaving
 21. Toy manufacturing
 22. Woodcarving
 23. Writing, professional studio

- 24. Block printing
- 25. Jewelry production
- 26. Metal engraving
- 27. Ornamental iron
- 28. Printing and publishing
- 29. Taxidermy
- 30. Watch making
- 31. Winery and micro-brewery/pub
- 32. Bed and Breakfast

E. *Permitted Conditional Uses*

- 1. Restaurants, including delicatessens, tearooms, and eating-places
- 2. Bed and Breakfasts
- 3. Radio and television transmitter
- 4. Airport
- 5. Publicly owned and operated buildings and facilities such as community centers, auditoriums, libraries, museums, and privately owned non-commercial museums and historic areas
- 6. Billboards
- 7. Horse stables
- 8. Signs
- 9. Private barns, and associated livestock, for not more than (2) animals for the first acre of land, and (1) additional animal for every (2) additional acres of land
- 10. Planned Development District
- 11. Satellite dish antennas that conform to the supplementary regulations of this Ordinance
- 13. Outdoor Storage Containers, limited to two containers per business and subject to Section 8.18

F. *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 Board 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

G. *Height and Area Requirements*

	Lot Area	Lot Width	Front Yard	Side Yard	Street Side Yard	Rear Yard	Maximum Height
Single-Family Dwelling	2 acres	100	35 ft.	15 ft.	25 ft.	25 ft.	3 stories or 40 ft.
Other Permitted Uses*	2 acres	100	35 ft.	15 ft.	25 ft.	25 ft.	65 ft.
Accessory Buildings**	---	---	50 ft.	10 ft.	25 ft.	5 ft.	30 ft.

*Agricultural uses are exempt from maximum height requirements.

**Including provisions listed in Section 4.14 pertaining to Accessory Building and Uses

H. *Other Applicable Provisions*

- 1. All permitted or conditional uses must adhere to parking requirements of Article 7, even if the primary use is residential.
- 2. Maximum of (3) three employees, unrelated or not living on the premises, are allowed where the operation is a permitted use because it is the primary residence of the operator. Where a conditional use permit is required, the maximum number of employees may be restricted.
- 3. Only one building for living purposes shall be permitted on one zoned lot, except as may be otherwise provided herein.

4. Private wells subject to review in Article 6 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 of right-of-way contiguous to the property.

5. Screening of mechanical units, materials or equipment stored outdoors, and activities, which are not readily found or conducted on a residence or farm, is required. Screening shall consist of a predominately opaque barrier such as a berm, fence, or evergreen vegetation, so that the mechanical units, stored items, or activities cannot be viewed from a public roadway or adjacent property.

Section 5.07 R100 Single-Family Residential District

- A. *Intent.* Provides for single-family residential uses; minimum lot area of 10,000 square feet.
- B. *Permitted Uses*
1. Single-family dwellings
 2. Public and parochial schools
 3. Churches, seminary and convent, including residences for pastors, teachers, and students
 4. Publicly owned and operated parks, forest preserves, playgrounds, fire stations, community centers, libraries, and auditoriums
 5. Universities, colleges, high schools, junior high schools, and elementary schools
 6. Private recreation areas as country clubs, golf courses, lakes, common areas, and swimming pools
 7. Home occupations subject to Section 8.07
- C. *Permitted Conditional Uses*
1. Planned Development District
 2. Nursing homes, rest homes, sanatoriums, convalescent homes, or other similar uses
 3. Public utility and services uses, substations, distribution centers, regulator stations, pumping stations, treatment facilities, storage, equipment buildings, garages, towers, or similar public service uses
 4. Hospital, sanatoriums, rest homes, nursing homes, convalescent homes, or other similar institutions
 5. Commercial recreational areas, exclusive of hunting and shooting areas, auto racing, go-cart tracks, and cycle clubs
 6. 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
 7. Signs
 8. Railroads
 9. Residential renovation for all single-family dwellings built before 1973
 10. Satellite dish antennas that conform to the supplementary regulations of this Ordinance
 11. Child care home
- D. *Accessory Uses*
1. Buildings and uses customarily incidental to the permitted uses
 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
- E. *Height and Area Requirements*

	Sq. Ft. <u>Area</u>	Lot <u>Width</u>	Front <u>Yard</u>	Side <u>Yard</u>	Street Side <u>Yard</u>	Rear <u>Yard</u>	Maximum <u>Height</u>
Single-family Dwelling	10,000	80'	35'	10'	25'	25'	2 ½ stories or 35'
Other Permitted Uses	10,000	80'	25'	10'	25'	25'	65'
Accessory Buildings*	---	---	50'	5'	25'	3'	15'

*Including provisions listed in Section 4.14 pertaining to Accessory Building and Uses

1. 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.

2. A lot used for single-family dwelling purposes, and that is not connected to an approved public sanitary sewer system and an approved water system, shall have a minimum lot area of 20,000 square feet.
3. All corner lots in any land subdivision platted after the adoption of this regulation shall have a lot width of not less than 100 feet in this zoning district.

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 R92 Single-Family Residential District

- A. *Intent.* Provides for single-family residential uses: minimum lot area of 9,200 square feet.
- B. *Permitted Uses*
1. Single-family dwellings
 2. Public and parochial schools
 3. Churches, seminary and convent, including residences for pastors, teachers, and students
 4. Publicly owned and operated parks, forest preserves, playgrounds, fire stations, community centers, libraries, and auditoriums
 5. Universities, colleges, high schools, junior high schools, and elementary schools
 6. Private recreation areas such as country clubs, golf courses, lakes, common areas, and swimming pools
 7. Home occupations, subject to Section 8.07 of these regulations.
- C. *Permitted Conditional Uses*
1. Hospitals, nursing homes, rest homes, sanitariums, convalescent homes, or other similar institutions
 2. Public utility and service uses, substations, distribution centers, regulator stations, pumping stations, treatment facilities, storage, equipment buildings, garages, towers, or similar public service uses
 3. Signs
 4. Residential renovation for all single-family dwellings built before 1973
 5. Satellite dish antennas that conform to the supplementary regulations of this Ordinance
 6. Child care home
- D. *Accessory Uses*
1. Buildings and uses customarily incidental to permitted uses
 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
- E. *Height and Area Requirements*

	Sq. Ft. Area	Lot Width	Front Yard	Side Yard	Street Side Yard	Rear Yard	Maximum Height
Single-Family Dwelling	9,200	76	25 ft.	7 ft.	15 ft.	25 ft.	2 1/2 stories or 35 ft.
Other Permitted Uses	9,200	76	25 ft.	10 ft.	20 ft.	25 ft.	65 ft.
Accessory Buildings*	---	---	50 ft.	5 ft.	20 ft.	3 ft.	15 ft.

*Including provisions listed in Section 4.14 pertaining to Accessory Building and Uses

1. 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 1,300 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 1,300 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 600 square feet, exclusive of garage and other accessory floor area; and two (2) or two and one-half (2 ½) story single-family house with or without a split-entry shall contain at least 1,100 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.
2. A lot used for single-family dwelling purposes, and that is not connected to an approved public sanitary sewer system and an approved water system, shall have a minimum lot area of 20,000 square feet

3. All corner lots in any land subdivision platted after the adoption of this regulation shall have a lot width of not less than eighty-five (85) feet in this zoning district.

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 5.09 R87 Single-Family Residential District

- A. *Intent.* Provides for single-family residential uses; minimum lot area of 8,700 square feet.
- B. *Permitted Uses*
1. Single-family dwellings
 2. Public and parochial schools
 3. Churches, seminary and convent, including residences for pastors, teachers, and students
 4. Publicly owned and operated parks, forest preserves, playgrounds, fire stations, community centers, libraries, and auditoriums
 5. Universities, colleges, high schools, junior high schools, and elementary schools
 6. Private recreation areas such as country clubs, golf courses, lakes, common areas, and swimming pools
 7. Home occupations, subject to Section 8.07 of these regulations.
- C. *Permitted Conditional Uses*
1. Planned Development District
 2. Hospitals, nursing homes, rest homes, sanatoriums, convalescent homes, or other similar institutions
 3. Public utility and services uses, substations, distribution centers, regulator stations, pumping stations, treatment facilities, storage, equipment buildings, garages, towers, or similar public service uses
 4. Signs
 5. Residential renovation for all single-family dwellings built before 1973
 6. Satellite dish antennas that conform to the supplementary regulations of this Ordinance
 7. Child care home
 8. Self-sustaining communication towers of no more than 100 feet in height on public property
- D. *Accessory Uses*
1. Buildings and uses customarily incidental to permitted use
 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
- E. *Height and Area Requirements*

	Sq. Ft. <u>Area</u>	Lot <u>Width</u>	Front <u>Yard</u>	Side <u>Yard</u>	Street Side <u>Yard</u>	Rear <u>Yard</u>	Maximum <u>Height</u>
Single-family Dwelling	8,700	66'	35'	7'	25'	25'	2 ½ stories
Other Permitted Uses	8,700	66'	25'	10'	25'	25'	65'
Accessory Buildings*	---	---	50'	5'	25'	3'	15'

*Including provisions listed in Section 4.14 pertaining to Accessory Building and Uses

1. 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 1,200 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 1,200 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 500 square feet, exclusive of garages and other 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 1,000 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.

2. A lot used for single-family dwelling purposes, and that is not connected to an approved public sanitary sewer system and an approved water system, shall have a minimum lot area of 20,000 square feet.

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 5.10 R50 Two-Family Residential District

- A. *Intent.* Provides for two-family residential uses; minimum lot area of 5,000 square feet, per unit.
- B. *Permitted Uses*
1. Single-family dwellings
 2. Two-family dwellings
 3. Public and parochial schools
 4. Universities and colleges
 5. Churches, seminary and convent, including residences for pastors, teachers, and students
 6. Publicly owned and operated parks, forest preserves, playgrounds, fire stations, community centers, libraries, and auditoriums
 7. Hospitals, sanatoriums, rest homes, nursing homes, convalescent homes, or other similar institutions
 8. Townhouses
 9. Home occupations, subject to Section 8.07 of these regulations.
- C. *Permitted Conditional Uses*
1. Planned Development Districts
 2. Fraternity and sorority houses associated with a college
 3. Public utility and services uses, substations, distribution centers, regulator stations, pumping stations, storage, equipment buildings, garages, towers, or similar public service uses
 4. Modified residential use (mobile home park)
 5. Signs
 6. Satellite dish antennas that conform to the supplementary regulations of this Ordinance
 7. Child care home
 8. Bed and Breakfast
- D. *Accessory Uses*
1. Buildings and uses customarily incidental to the permitted uses
 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
- E. *Height and Area Requirements*

<u>Uses</u>	<u>Lot Area</u>	<u>Lot Width</u>	<u>Front Yard</u>	<u>Side Yard</u>	<u>Street Side Yard</u>	<u>Rear Yard</u>	<u>Maximum Height</u>
Single-family Dwelling	5,000 sq. ft.	50'	25'	7'	15'	25'	2 ½ stories or 35'
Two Family Dwelling	5,000 sq. ft./ dwelling	80'	25'	10'	15'	25'	2 ½ stories or 35'
Other Permitted Uses	8,700	60'	25'	10'	15'	25'	35'
Accessory Buildings*	---	---	50'	5'	15'	3'	15'

*Including provisions listed in Section 4.14 pertaining to Accessory Building and Uses

1. 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 1,000 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 1,000 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 500 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 900 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.

2. A two-family dwelling constructed in this zoning district shall contain at least 900 square feet of floor area for each family dwelling, exclusive of basements, cellars, garages, and other accessory floor area.

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 5.11 R30 General Family Residential District

- A. *Intent.* Provides for multi-family residential uses; minimum lot area of 3,000 square feet per unit.
- B. *Permitted Uses*
1. Multi-family dwellings (apartments)
 2. Boarding, lodging, and rooming houses
 3. Hospitals, sanitariums, rest homes, nursing homes, or other similar uses
 4. Private clubs, fraternities, or other similar uses
 5. Churches
 6. Schools and colleges
 7. Public parks, playgrounds, or other public recreational uses
 8. Publicly owned and operated buildings and uses
 9. Condominiums
 10. Townhouses
 11. Home occupations, subject to Section 8.07 of these regulations.
- C. *Permitted Conditional Uses*
1. Planned Development Districts
 2. Signs
 3. Single-family dwelling
 4. Two-family dwellings (duplexes)
 5. Residential renovation for all single-family dwellings built before 1973
 6. Satellite dish antennas that conform to the supplementary regulations of this Ordinance.
 7. Child care home
 8. Bed and Breakfast
- D. *Accessory Uses*
1. Buildings and uses customarily incidental to the permitted uses
 2. Private swimming pool, tennis court and other outdoor recreational facilities in conjunction with dwellings
 3. Off-street parking lots, public and private
- E. *Height and Area Requirements*

	Lot <u>Area</u>	Unit <u>Dwelling</u>	Lot <u>Width</u>	Front <u>Yard</u>	Side <u>Yard</u>	Street Side <u>Yard</u>	Rear <u>Yard</u>	Maximum <u>Height</u>
Single-Family Dwelling	5,000	---	50'	25'	7'	15'	25'	35' or 2 ½ stories
Two-Family Dwelling	10,000	5,000/unit	80'	25'	10'	15'	25'	35' or 2 ½ stories
Multi-Family Dwelling	10,000	3,000/unit	90'	25'	10'	15'	25'	45'
Other Permitted Uses	10,000	---	80'	25'	10'	15'	25'	45' or 3 stories
Accessory Buildings*	---	n/a	---	50'	5'	15'	3'	15'

*Including provisions listed in Section 4.14 pertaining to Accessory Building and Uses

1. Any residential building constructed in this zoning district shall contain at least 900 square feet of floor area on one level, or 900 square feet as the sum of two (2) adjoining floor areas, separated by not more than five (5) feet in height measured floor to floor for a single-family residential building; 750 square feet of floor area on one (1) level for each family unit in a two-family residential building; 700 square feet for a one (1) bedroom unit, 800 square feet for a two (2) bedroom unit, and at least 900 for a three (3) bedroom unit in a multi-family residential building; all exclusive of garages or other attached accessory floor area.
- 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 5.12 RB Residential Business District

- A. *Intent.* Provides for a range of service establishments that may exist adjacent to residential zoning districts, provided structures are constructed with materials typically found in residential districts and such establishments are buffered from such residential uses.
- B. *Permitted Uses*
1. Condominiums
 2. Bed and breakfast
 3. Professional services, such as medical and health services, legal services, engineering, architectural, educational, accounting, planning, management consulting, police and security services
 4. Dry cleaning and laundry
 5. Commercial recreation or amusements
 6. Commercial nurseries and greenhouses
 7. Self-storage facility, enclosed
 8. Public buildings, assembly halls, and auditoriums, fire stations, and other safety services facilities
- C. *Permitted Conditional Uses*
1. Planned Development District
 2. Churches
 3. Personal services such as barber shops, beauty salons, reducing salons, photographic studios, and mortuary
 4. Child care center
 5. Outdoor Storage Containers, limited to two containers per business and subject to Section 8.18
 6. Take-out and delivery food establishments
 7. Auto wash services, excluding truck washing
 8. Signs
 9. Satellite dish antennas that conform to the supplementary regulations of this Ordinance
- D. *Accessory Uses*
1. Building and uses customarily incidental to the permitted uses
 2. Parking lots: off-street, public, and private
- E. *Height and Area Requirements*

Use	Area	Lot Width	Front Yard	Side Yard	Street		Maximum Height
					Side Yard	Rear Yard	
Permitted Use	8700 s.f	50'	25'	15**	15'	25'***	35' or 2 ½ stories
Accessory Uses*	--	--	50'	5'	15'	3'	15'

*Including provisions listed in Section 4.14 pertaining to Accessory Building and Uses

**No side yard will be required except when the lot abuts a lot in a residential district.

***No rear yard will be required except when there is no dedicated alley abutting the rear property line.

- F. *Other Applicable Provisions*
1. When a property owner or a developer intends to develop a property already zoned Residential Business District, he 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 parking, lighting, screening, 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 5.13 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*
- 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
 - Mobile Home Parks authorized and licensed by the city for the parking and occupancy of mobile dwellings
- C. *Permitted Conditional Uses*
- 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
 - Satellite dish antennas that conform to the supplementary regulations of this Ordinance
- D. *Accessory Uses*
- 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
 - 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*
- 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*
- 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 Springfield 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 5.14 MU Mixed Use District

A. *Intent:* The purpose of this district is to allow higher density residential, including single-family dwellings, two-family dwellings, and multi-family dwelling development in commercial areas and areas providing all public facilities and supporting facilities to maintain a sound and pleasant environment for residents and the community as a whole. This district is also intended to allow for a combination of office, commercial, and other uses within the area designated below through the use of aesthetic, architectural, and other standards in a manner that encourages development that is considered appropriate for the main entryways into and through the City of Springfield. Such Mixed Use Zoning District shall require a rezoning inclusion of the appropriate Corridor Overlay District in which such aesthetic, architectural and other standards are prescribed. Such uses may require additional zoning to PUD Planned Unit Development District.

B. *Permitted Uses:*

The following principal uses are permitted in the MU District.

1. Business services including: attorneys, banks, insurance, real estate offices, postal stations, credit services, security brokers, dealers and exchange, title abstracting, finance services and investment services; but not including uses defined in Adult Establishment
2. Child care center.
3. Dance studio, not including uses defined in Adult Establishment
4. Meeting hall, not including uses defined in Adult Establishment
5. Museum, art gallery.
6. Publicly owned and operated facilities.
7. Retail business or service establishment supplying commodities or performing services, such as, or in compatibility with and including the following:
 - a. Book store, not including uses defined in Adult Establishment
 - b. Brew-on premises store
 - c. Camera store
 - d. Communication services
 - e. Computer store
 - f. Confectionery
 - g. Drug store
 - h. Food Sales (Limited)
 - i. Floral shop
 - j. General, medical, and dental offices
 - k. Gift and curio shop
 - l. Hobby, craft, toy store
 - m. Jewelry store
 - n. Music retail store
 - o. Newsstands, not including uses defined in Adult Establishment
 - p. Outlet retail store
 - q. Photographer
 - r. Picture framing shop
 - s. Reservation center
 - t. Restaurants, cafes and fast food establishments, including those with drive-thru facilities.
 - u. Shoe store
 - v. Sporting goods
 - w. Travel agencies
 - x. Video store, not including uses defined in Adult Establishment
 - y. Social club and fraternal organizations, not including uses defined in Adult Establishment
 - z. Telephone exchange
 - aa. Telephone answering service
 - bb. Public overhead and underground local distribution utilities.
8. Secondary education facilities

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 MU District as recommended by the Planning Commission and City Council and approved by the City Council.

1. Bed and Breakfasts, provided that guest rooms shall be within the principal residential building only and not within an accessory building.
2. Public utility substations, distribution centers, regulator stations, pumping, treatment facilities, storage, equipment buildings, garages, towers, or similar uses.
3. Home Occupations, as per Section 8.07.
4. Single family detached dwellings.
5. Two-family, duplex, dwellings
6. Single family attached dwellings
7. Townhouses, Condominiums, and Multiple family dwellings.
8. Charitable clubs and organizations
9. Hospitals, sanitariums, rest homes, nursing homes, convalescent homes, or other similar institutions, philanthropic institutions.
10. Group care home
11. Community center
12. Emergency shelters
12. Big Box Retail, Medium
13. Big Box Retail, Small
14. Shopping center, commercial strip
15. Shopping center, outlet
16. Brew Pubs
17. Coffee Kiosks
18. Micro-breweries when in conjunction with a restaurant.
19. Automated Teller Machines when not within the interior of a primary use
20. Theater, indoor, not including uses defined in Adult Establishment.
21. Hotels and Motels
22. Tavern and cocktail lounge, not including uses defined in Adult Establishment
23. Convenience store with limited fuel sales.
24. Outdoor Storage Containers, limited to two containers per business and subject to Section 8.18

D. *Permitted Accessory Uses:*

1. Buildings and uses customarily incidental to the permitted uses.
2. Decks, elevated patios either attached or detached
3. Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
4. Parking lots, off-street, public, and private.
5. Private swimming pool, tennis court, and other recreational facilities in conjunction with a residence.

E. *Temporary Uses:*

Such commercial type 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.

F. *Height and Lot Requirements:*

1. The height and minimum lot requirements shall be follows:

Uses	Lot Area (SF)	Lot Width (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Street Side Yd. (ft)	Max. Height (ft)	Max. Lot Coverage Building/Impervious Area (%)
Single-family Dwelling ³	7,000	70	25	7.5	25	15	35	40/80
Single-family Attached ^{3,5}	4,500 per unit	45 per unit	25	7.5	25	15	35	40/80
Two-family Dwelling ³	10,000	80	25	7.5	25	15	35	40/80
Townhouses/Condominiums ^{4,5,6}	2,500 per unit	25 per unit	25	7.5	25	15	35	50/80
Multi-family Dwelling ^{3,6}	2,500 per unit	100	25	7.5 ¹	25	15	45 ¹	50/80
Other Permitted and Conditional Uses	8,500	75	25	7.5	25	15	45	30/80
Accessory Buildings*	-	-	35	5	8	15	17	10 ²

¹ For Multi-Family units the side yard shall be 10 feet if it is a three-story structure, and five feet additional side yard on each side shall be provided for each story in excess of three stories.

² Provided the total area of accessory structure for single family does not exceed 720 sq. ft. and the total lot coverage of all buildings does not exceed 50 percent

³ 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. In new developments, the Street Side Yard setback shall be equal to the Front Yard setback.

⁴ This applies to Condominiums and Townhouses where there are three or more units connected and where there is a minimum of two common walls; otherwise the criteria for single-family attached or two-family dwelling shall apply depending upon the appropriate condition.

⁵ Where there are three or more units connected the side yard at the ends shall meet these criteria otherwise the side yard setback shall be zero feet at common walls. The side yard not containing the common wall shall be double the normal required setback.

⁶ The first four units of a multiple family dwelling, townhouse, or condominium shall have a minimum lot area of 2,500 s.f. per unit; after which the minimum lot area shall be 3,750 s.f. per unit.

*Including provisions listed in Section 4.14 pertaining to Accessory Building and Uses

Section 5.15 DC Downtown Commercial District

- A. *Intent.* This district is intended to provide appropriate development regulations for Downtown Springfield. Mixed uses are encouraged within the DC District. The grouping of uses is designed to strengthen the town center's role as a center for trade, service, and civic life.
- B. *Permitted Uses*
1. Automotive sales, rental and service 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. Child Care Center
 4. Clothing services such as dressmaking, millinery, shoe repair, furrier and tailors
 5. Cleaning establishments such as Laundromats, dry cleaning 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 such as barber shops, beauty salons, reducing salons, photographic studios, theater, and mortuary
 8. 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 photographic supplies, music and record stores, luggage, sporting goods, flower shops, dry goods, furniture, house hold appliances, home furnishings, hardware, gift, jewelry, variety stores, retail mail order stores, confectionery, retail dairy stores, men's and boy's clothing and furnishings stores, women's clothing and furnishings stores, radio, electronics and music stores, retail liquor stores, antiques, cigar and tobacco, and retail paint stores
 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. Farm equipment and supplies conducted completely within an enclosed building
 13. Public buildings, assembly halls, auditoriums, civic centers
 14. Other retail businesses, such as equipment rental and leasing, photo finishing, trading stamp services, radio, television and electrical repair services
 15. Professional services, such as medical and health services, legal services, engineering, architectural, educational, accounting, planning, management consulting, police and security services
 16. Condominiums
- C. *Permitted Conditional Uses*
1. Planned Development District
 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. Residential uses, subject to Subsections F and G
 7. 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. Church
 19. Motels, hotels

- 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

- 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 subject to provisions of Municipal Code.

F. *Height and Area Requirements*

	Sq. Ft. <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	---	---	---	15' *** *****	25' *****	35' or 2½ stories

Residential uses (Requirements for R30 General Residential District shall apply)

- ***No side yard will be required except when the lot abuts a lot in a residential district.
- ****No rear yard is required except when there is no dedicated alley abutting the rear lot line.

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

1. Downtown Residential and Group Residential uses are permitted in the DC 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 Springfield, the following design standards shall apply to any office or commercial use developed within the DC 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 Springfield’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 DC 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 5.16 BG General Business District

- A. *Intent.* Provides for a general range of retail and service business establishments.
- B. *Permitted Uses*
1. Automotive sales, rental and service 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 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 salons, photographic studios, theater, and mortuary
 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 photographic supplies, music and record stores, luggage, sporting goods, flower shops, dry goods, furniture, house hold appliances, home furnishings, hardware, gift, jewelry variety stores, retail mail order stores, confectionery, retail dairy stores, men's and boy's clothing and furnishings stores, women's clothing and furnishings stores, radio, electronics and music stores, retail liquor stores, antiques, cigar and tobacco, and retail paint stores
 8. Food service, such as eating and drinking establishments
 9. Recreational establishments such as bowling alleys, billiard halls
 10. Motels, hotels
 11. Transportation depots, such as railroad passenger stations and bus stations
 12. Farm equipment and supplies conducted completely within an enclosed building
 13. Public buildings, assembly halls, auditoriums, civic centers, fire stations and other safety services facilities
 14. Other retail businesses, such as equipment rental and leasing, photo finishing, trading stamp services, radio, television and electrical repair services
 15. Professional services, such as medical and health services, legal services, engineering, architectural, educational, accounting, planning, management consulting, police and security services
- C. *Permitted Conditional Uses*
1. Planned Development District
 2. Retail lumberyard and building materials sales yards
 3. Retail farm implements, equipment, supplies, and feed
 4. Retail open air auto sales
 5. Utility substations and communications
 7. Churches
 8. Wholesale distribution houses and warehouses
 9. Carting, express and hauling truck terminals
 10. Second-hand stores and auction activities within an enclosed building
 11. Retail gasoline service stations
 12. Retail tires, batteries, accessories, and service
 13. Retail boats, marine crafts, and accessories
 14. Auto repair services
 15. Auto wash services
 16. Furniture repair and re-upholstery services
 17. Billboards
 18. Outdoor advertising signs and outdoor advertising structures
 19. Satellite dish antennas that conform to the supplementary regulations of this Ordinance
 20. Child care center
 21. 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

- 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 subject to provisions of Municipal Code.

- F. *Height and Area Requirements*

	<u>Sq. Ft.</u> <u>Area</u>	<u>Lot</u> <u>Width</u>	<u>Front</u> <u>Yard</u>	<u>Side</u> <u>Yard</u>	<u>Rear</u> <u>Yard</u>	<u>Maximum</u> <u>Height</u>
Permitted Uses	---	---	---**	15'***	25'****	35' or 2 ½ stories

** No front yard setback unless abutting a road/street designated as a collector or arterial, then setback shall be 25 feet.
 *** No side yard will be required except when the lot abuts a lot in a residential district.
 **** No rear yard is required except when there is no dedicated alley abutting the rear lot line.

Section 5.17 BH Highway Business District

- A. *Intent.* Provides for a range of retail and service establishments requiring the greater land area normally available on the edges of a community.
- B. *Permitted Uses*
1. Auditoriums, exhibition halls, and clubs
 2. Automobile sales and service
 3. Bowling alley
 4. Dry cleaning and laundry
 5. Commercial recreation or amusements
 6. Commercial nurseries and greenhouses
 7. Drive-in theater
 8. Eating and drinking establishments
 9. Furniture stores
 10. Garden and lawn supplies stores
 11. General retail stores
 12. Lumber and building materials
 13. Motels and hotels
 14. Farm implement and farm machinery fabrication, sales, and service
 15. Farm equipment, supplies, sale and service
 16. Public buildings, assembly halls, and auditoriums, fire stations, and other safety services facilities
 17. Retail gasoline service stations
 18. Education facilities
 19. Medical clinics
- C. *Permitted Conditional Uses*
1. Planned Development District
 2. Billboards
 3. Churches
 4. Mortuary
 5. Billboards, advertising signs, and advertising structures
 6. Signs
 7. Satellite dish antennas that conform to the supplementary regulations of this Ordinance
 8. Child care center
 9. Auction Houses that warehouse sale items and sell said items within the Auction Facility
 10. Outdoor Storage Containers, limited to two containers per business and subject to Section 8.18
 11. Condominiums
 12. Mobile home sales business
- D. *Accessory Uses*
1. Building and uses customarily incidental to the permitted uses
 2. Parking lots: off-street, public, and private
- 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 subject to provisions of Municipal Code.

F. *Height and Area Requirements*

<u>Use</u>	<u>Area</u>	<u>Lot Width</u>	<u>Front Yard</u>	<u>Side Yard</u>	<u>Street Side Yard</u>	<u>Rear Yard</u>	<u>Maximum Height</u>
Permitted Use	---	---	75'	15**	15'	25'***	35' or 2 ½ stories

**No side yard will be required except when the lot abuts a lot in a residential district.
 ***No rear yard will be required except when there is no dedicated alley abutting the rear property line.

G. *Other Applicable Provisions*

1. When a property owner or a developer intends to develop a property already zoned Highway Business District, he 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. Such process is required regardless of being in a corridor overlay district.

Section 5.18 BP Business Park District

- A. *Intent:* The purpose of this district is to allow commercial and business park uses and uses providing all public facilities and supporting facilities to locate in areas along major corridors where infrastructure allows for such development and where such uses will complement the adjacent uses. This district is also intended to allow for a combination of office, commercial, business park developments, and other uses within the area designated below through the use of aesthetic, architectural, and other standards in a manner that encourages development that is considered appropriate for the main entryways into and through the City of Springfield. Such Business Park Zoning District shall require a rezoning inclusion of the HCO Highway Corridor Overlay District in which such aesthetic, architectural and other standards are prescribed. Such uses may require additional zoning to PUD District.
- B. *Permitted Uses:*
The following principal uses are permitted in the BP District.
1. Business services including: attorneys, banks, insurance, real estate offices, postal stations, credit services, security brokers, dealers and exchange, title abstracting, finance services and investment services.
 2. Child care center.
 3. Museum, art gallery.
 4. Publicly owned and operated facilities.
 5. Public overhead and underground local distribution utilities.
 6. Secondary education facilities.
 7. Data Centers.
- 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 BP District as recommended by the Planning Commission and City Council and approved by the City Council.
1. Public utility substations, distribution centers, regulator stations, pumping, treatment facilities, storage, equipment buildings, garages, towers, or similar uses.
 2. Hospitals, sanitariums, rest homes, nursing homes, convalescent homes, or other similar institutions, philanthropic institutions.
 3. Brew Pubs
 4. Coffee Kiosks
 5. Micro-breweries when in conjunction with a restaurant.
 6. Automated Teller Machines when not within the interior of a primary use
 7. Hotels and Motels
 8. Convenience store with limited fuel sales.
 9. Outdoor Storage Containers, limited to two containers per business and subject to Section 8.18
- D. *Accessory Uses*
The following accessory uses are permitted in the BP District:
1. Buildings and uses customarily incidental to the principal uses
 2. Parking lots, of-street, public, and private
- 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. Temporary food service or merchandise sale from vehicles or trailers on private or public parking lots subject to provisions of Municipal Code.

F. *Height and Area Requirements*

The height and minimum lot requirements shall be:

	<u>Lot Area</u>	<u>Front Yard</u>	<u>Side Yard</u>	<u>Side Street Yard</u>	<u>Rear Yard</u>	<u>Maximum Height</u>
Permitted Uses	10,000 sq. ft.	25'	*	25'	15'	45'

*25 feet side yard when abutting a lot with residential use.

G. *Performance Standards (as per Section 8.11 of these Regulations)*

Section 5.19 LI Light Industrial District

- A. *Intent.* Provide standards for areas suitable for commercial and industrial uses to provide for employment opportunities which shall meet and conform with environmental specifications as to pollution and nuisance free performance.
- B. *Permitted Uses*
1. Assembly of metal products
 2. Dying and cleaning establishments
 3. Farm and industrial equipment sales establishments
 4. Laboratories
 5. Manufacture and assembly of electrical and electronic appliances
 6. Assembly, compounding, processing, packaging, or treatment of articles or merchandise from previously prepared materials
 7. Production of light sheet metal products, including heating and ventilation equipment
 8. Machine shops or other metal working
 9. Printing and publishing businesses
 10. Stone and monument works
 11. Storage of farm and agricultural products
 12. Truck and freight terminals
 13. Public local distribution and main transmission utilities
 14. Warehouses and wholesale businesses
 15. Agricultural farms, truck gardens, greenhouses, plant nurseries, orchards, grain storage facilities, and the usual agricultural farm buildings and structures
 16. Highway maintenance buildings
 17. Distribution centers
 18. Animal hospitals
 19. Automotive sales, rental and service within an enclosed building
- 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. Fertilizer storage or processing
 5. Fuel storage
 6. Acetylene gas manufacturing or storage
 7. Cement, lime, gypsum, or plaster-of-paris manufacture
 8. Fireworks or explosives manufacture
 9. Gunpowder manufacture or storage
 10. Boiler works
 11. Burlap manufacture
 12. Coal and coke yards
 13. Bakery products manufacture
 14. Feed and forage plants
 15. Grain mill products manufacture
 16. Meat products manufacture
 17. 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
 18. Fabrication, manufacture and treatment of lumber or wood products
 19. Alfalfa dehydrating plants
 20. Oil, rubber, or leather goods manufacture
 21. Outdoor signs or devices for advertising, display, announcements, notices, or property identifications
 22. Satellite dish antennas that conform with the supplementary regulations of this Ordinance
 23. 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

- 24. Sexually Oriented Businesses in accordance with Section 8.17 of these regulations.
- 25. Outdoor Storage Containers, not limited in quantity but subject to Section 8.18
- 26. Storage of Fireworks.
- 27. Building materials and fuel yards.
- 28. Contractor yards.
- 29. Highway maintenance yards.
- 30. Fixed plants for processing stone, gravel or clay.
- 31. Licensed Recreational Vehicle Storage – Out of Doors and/or Within an Enclosed Building.
- 32. Unlicensed Recreational Vehicle Storage – Out of Doors and/or Within an Enclosed Building.
- 33. Self-storage facility, enclosed.

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

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 subject to provisions of Municipal Code.

F. *Height and Area Requirements*

The height and minimum lot requirements shall be:

	<u>Lot Area</u>	<u>Front Yard</u>	<u>Side Yard</u>	<u>Side Street Yard</u>	<u>Rear Yard</u>	<u>Maximum Height</u>
Permitted Uses	10,000 sq. ft.	25'	*	25'	15'	45'

*25 feet side yard when abutting a lot with residential use.

G. *Performance Standards (as per Section 8.11 of these Regulations)*

Section 5.20 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 Springfield 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, three (3) acres;
 - b. Residential – Commercial (combination), five (5) acres;
 - c. Commercial, three (3) acres;
 - d. Industrial, three (3) 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-100 through R-30 Districts inclusive and the mixed use, business park, 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:	20 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 thirty (30) 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.
 - 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 Springfield 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 thirty (30) 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.
 - 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 Springfield 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 Springfield.

Section 5.21 HCO Highway Corridor Overlay District**A. Intent:**

Springfield has established basic site and building development criteria to be implemented within the boundaries of this overlay district. These criteria include, but are not limited to the following: landscaping, building material selection, lighting, signage, and corridor development. The purpose for regulating these issues is to provide for a cohesive and properly developed corridor area along and near Highway 50. Guiding development in this manner promotes the general health, safety and welfare of the residents and property owners within the zoning jurisdiction of Springfield, by providing quality design and construction which will also aid in the protection of past and future investment in the corridor. The regulations in the overlay district are in addition to those of the underlying zoning district for the property and effect all new or expanded public, commercial, industrial, and mixed use buildings and properties. Such criteria provided herein is to be a base set of guidelines established and it is the intent of these guidelines that commercial and industrial used buildings should be constructed as commercial and industrial in character to reflect the use and the district. Detailed design guidelines may also be developed and administered through development covenants and approved subdivision agreements. Where regulations are in direct conflict with other regulations in these regulations, the stricter shall apply.

B. Purpose:

The purpose of these adopted minimum design standards is to promote quality design, preserve the natural features, preserve the appearance of the natural and agricultural landscape, and promote economic development along and near Highway 50 corridor. The design standards will encourage design compatibility with the surrounding area, achieve greater architectural cohesiveness and compatibility where appropriate, and minimize the negative visual impacts of site development. These minimum standards shall apply to the design and placement of landscaping, buffers, buildings, and exterior architectural features and finishes for commercial, industrial, mixed use, civic, and multi-family developments and structures.

The purpose of these criteria is to establish a checklist of those items that affect the physical aspect of Springfield. 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, protect investments of property/land owners, and promote the public health, safety and welfare. The requirements of the HCO District shall apply to any new development requiring a building permit on land within the boundaries of the HCO District after the effective date of this regulation. The requirements of the district do not apply to any rehabilitation, repair, addition(s) or enlargement(s) of a building in place or under construction on a site as of the effective date of this regulation, provided that the cumulative gross floor area of any addition(s) does not exceed 50% of the gross floor area of the pre-existing building(s). Furthermore, the requirements of the district do not apply to single family or two-family houses. All structures located in all districts other than residential, shall be constructed to office, business, light industrial in appearance depending on the zoning district and land use they are in and in accordance with these regulations.

C. Geographic Area:

The HCO Highway Corridor Overlay District apply to an area generally ¼ mile east and west of Highway 50 through the zoning jurisdiction of Springfield, herein referred to as the corridor overlay area. For the graphically defined overlay area that these regulations currently apply to, see the Official Zoning Map of Springfield. In the event the standards and regulations of this overlay district are in conflict with those of the underlying zoning district or another overlay district, such as the Highway Corridor Overlay District, the standards and regulations of this overlay district shall apply. If a site or property is partially covered by said overlay district, then the entire portion of the site or property is to be covered by these regulations.

D. Permitted and Conditional Permitted Uses:

All permitted and special permitted principal uses contained in the underlying base zoning district are allowed in the HCO District, except for the following and location of specific uses is determined by the current land use plan and zoning map.

- (1) livestock sales
- (2) large alternative energy production devices
- (3) recycling processing
- (4) construction batch plants
- (5) landfills
- (6) self-service car wash operations that constitute the primary use
- (7) hazardous waste storage, as a primary use
- (8) mobile home parks
- (9) mobile home sales
- (10) pawn shops
- (11) salvage or junk yard operations and transfer stations, as a primary use
- (12) tow lots, as a primary use
- (13) extraction and processing of rock, gravel, sand, clay and dirt
- (14) licensed recreational vehicle storage – out of doors
- (15) unlicensed recreational vehicle storage – out of doors
- (16) concrete recycling and distribution plant
- (17) truck and freight terminals
- (18) contractor yards

E. Minimum Lot Requirements:

The minimum lot size for all commercial, industrial, business park, mixed use, and multi-family developments within the Highway Corridor Overlay District shall be 20,000 square feet. All other lot requirements and setbacks are subject to the underlying zoning district regulations.

F. 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 Springfield. 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.

G. Criteria for Application:

All commercial and industrial building projects within the required geographic region shall comply with the Highway Corridor Overlay District standards and regulations. The Developer shall place maintenance provisions required by this section and specific design guidelines within all development agreements and restrictive covenants. The application and review procedure for a site plan review shall be as follows:

- (1) Pre-application Conference
 - (a) The applicant shall schedule and attend a pre-application conference with the city no more than 60 days prior to submitting a complete site plan application. Site plan information shall be submitted to the city at least 14 business days prior to the pre-application conference in a form identified by the city.
 - (b) The purpose of the pre-application conference shall be for the applicant to review the site plan with the city and other requested agencies/professionals, as appropriate, and to assure conformance between the site plan and these standards.

- (2) Building Design and/or Site Plan Application
- (a) The applicant shall submit a complete application in accordance with the city requirements.
 - (b) The application generally shall be made within 60 days of the pre-application conference.
 - (c) The application shall be submitted to the city clerk where it will be forwarded to other designated city staff and, if necessary, a design review architect/professional or designated design group for review and recommendation prior to a final city consideration of the application.
- (4) City Review and Decision on the Building Design and/or Site Plan
- (a) For building design and/or site plan applications that are considered by the city, the city shall review the application and make a decision to approve, approve with conditions to achieve conformance, or disapprove the building design and/or site plan application in accordance with these standards and State law.
 - (b) If building design and/or site plan has been denied, applicant may request review by design review architect/professional or designated design group, if not already done so, before a final decision is made by the city.
 - (c) Appeals on interpretation of rules and regulations designated within this overlay district, are considered by the Springfield Board of Adjustment.
- (5) Approval Criteria
- Recommendations and decisions on a building design and/or site plan shall be based on consideration of the following criteria:
- (a) That the proposed development is consistent with all the requirements of these standards and other related codes and regulations enforced by the city;
 - (b) That the proposed development is in compliance with the applicable base district and overlay districts; and
 - (c) That the proposed development meets all the requirements or conditions of any applicable development approvals (e.g., rezoning or special use permit approval).
- (6) Time Limit
- (a) Unless otherwise specified in the building design and/or site plan approval, an application for a building permit shall be applied for and approved within one year of the date of the building design and/or site plan approval or the building design and/or site plan shall become invalid. Permitted timeframes do not change with successive owners.
 - (b) Upon written request, one extension of one year may be granted by the city if the applicant can show good cause.
- (7) Amendments of an Approved Building Design and/or Site Plan
- (a) If an applicant desires to amend an approved building design and/or site plan, then the amendment may be made with the approval of the City with the exception of those changes stated in paragraph (b) below. However, if a proposed change will, in the opinion of the City, substantially affect the terms of the original approval or would result in significant adverse impacts on the surrounding properties or the city at-large, then a re-submittal to the City shall be required pursuant to the provisions of these regulations.
 - (b) A change to an approved building design and/or site plan shall require a re-submittal to the decision-making body responsible for the original approval, if:
 - (i) The density of the development is to be changed;

- (ii) The gross square footage of nonresidential buildings is to be increased or the number of stories is to be reduced or increased;
- (iii) Required landscaping materials are to be deleted;
- (iv) Required open space is to be deleted;
- (v) There is any change in plans for historic structures or sites; and/or
- (vi) Drainage, streets, or other engineering design changes will materially alter items approved in the rezoning or subdivision approval.

Identify categories of changes that should subject the site plan to re-review and approval, such as stormwater issues.

- (8) Certificate of Occupancy and Maintenance
 - (a) Certificate of Occupancy Permit: After the building permit is issued, all design requirements must be completed as approved in order for a Certificate of Occupancy to be issued.
 - (b) The property owner is required to maintain the design requirements of the project. Neglect in maintaining the structure's appearance, landscaping, lighting and other design requirements may result in the revocation of the Occupancy Permit.
- (9) Structures Required for Review
 - (a) All developments consisting of one principal building with single or mixed uses shall comply with the design criteria of this section.
 - (b) All developments consisting of more than one principal building, mixed-uses, multiple-pad development and/or similar developments shall also comply.
 - (c) Rehabilitation

The model design standards shall apply to existing, conforming development within the area when changes (renovation, restoration, modification, addition, or retrofit; collectively referred to as rehabilitation) are proposed to a structure or a site that will meet or exceed the standard of 50 percent of the existing gross floor area of the structure or 50 percent of the current appraised value of the structure or site, as established by the city, whichever is less. Rehabilitation costs or measurements shall be aggregated over a five year period to determine whether the rehabilitation is subject to the design standards. The requirements of the HCO District do not apply to replacement of a building in place or under construction on a site as of the effective date of this regulation necessitated by casualty loss.

Rehabilitation projects shall conform to the model design standards to the greatest extent possible. Where conformance is not possible, for all or any part of a standard, the applicant shall provide written explanation for each area of non-compliance.

- (d) Exceptions

The standards shall not apply to construction of individual homes on existing lots or agricultural use and operations, but shall apply to new developments and/or subdivisions that consist of one or more lots.

H. Criteria for Appearance:

(1) General Design Standards

The goal and purpose of these design standards is to create a sense of place within the city. Here, the design standards are intended to establish the baseline requirements for design that reflects the desired regional character, while allowing flexibility for individual project design that works with the jurisdiction of Springfield.

The following standards are applicable to all development types:

- (a) Protection of Natural Features, Resources, and Sensitive Areas
 - (i) Intent

Protect significant natural features, resources, and sensitive areas (ie. flood plain, wetlands, etc.) as designated on the land use plan in order to minimize the impacts of development on the environment and create more distinctive site

development. Where appropriate, natural features, resources, and sensitive areas may be used as amenities to enhance the value of development.

(ii) Standards

Development shall be organized and designed to protect, appropriately use, or enhance the following types of natural resources and features. This shall be accomplished by restricting development in these areas and then including such features in common landscaped areas or dedicated open space, by allowing construction in these areas that is sensitive to the protection of these features, or by mitigating impacts. If possible, these features shall be connected or integrated with similar features on adjacent lands. The following features shall be given consideration in this category:

- Water features (in addition to floodplains, which are dedicated);
- Parks and public open space areas on or adjacent to the site;
- Historic or archeological sites or areas that have been recognized by the local governing body as significant;
- Riparian wildlife habitat, as identified by State and/or Federal Agencies;
- Other natural features such as bluffs, ridges, steep slopes, stands of mature trees, rock outcroppings, or wetlands; and

In addition,

- a. Development shall be prohibited from locating within the designated floodway as defined by the Federal Emergency Management Agency and in conformance with current floodplain regulations.
- b. Consideration shall be given to setbacks for developments adjacent to a wetland or natural area as defined by the land use plan. Where an existing setback is in place, such setback shall be followed.
- c. Many best management practices (BMPs) for the protection of natural features exist and may be applicable within the corridor.

(b) Open Natural Areas and Amenities

(i) Intent

Developments shall set aside for future development open space, trails, and amenities in accordance with the Springfield Comprehensive Plan, adopted master plan(s), and the adopted subdivision regulations, as such areas should be set aside in easements or platted outlots. "Open areas" means unoccupied space on the same lot with the building subject to the open area requirement and shall consist of private open space, open recreational facilities, areas used exclusively for pedestrian and non-motorized traffic, and those areas designated as natural areas on the land use plan. Parking lots, recreational vehicle and equipment storage areas, public and private roadways, and structures shall not be considered "open areas".

(ii) Standards

To the maximum extent practicable, and in accordance with any applicable subdivision regulations, open areas shall be organized so as to include or protect as many of the natural resources and features identified in the previous section as possible.

- a. Open areas shall be organized so as to create integrated systems of open areas that connect with the following types of lands located within or adjacent to the development plan or plat:
 - Dedicated park lands;
 - Dedicated open spaces;
 - Any local or regional trail or open space system; and
 - Activity or community centers.

- b. Each open area shall be adjacent to or visible from at least one dedicated public street or public site of the development. The majority of open areas shall not be located in isolated corners of the development, in peripheral strips along the borders of the development, or in unconnected patterns unless such a location is necessary to achieve one of the connections or visibility requirements.
- c. Land features such as existing topography, streams, forestation, ponds or open areas should be used when possible to naturally separate commercial and industrial uses from residential uses.
- d. Stormwater management systems shall be located, designed, and managed to serve as visual amenities, entryways features, or opportunities for passive recreation whenever possible.
- e. The following stormwater management techniques, when designed pursuant to generally recognized standards and specifications and when long-term maintenance is provided, may be included as open space and may qualify for a reduction in required landscaping up to 10 percent of the total:
 - Bioretention facilities,
 - Rain gardens,
 - Infiltration swales and trenches, or
 - Any alternative method identified by the jurisdiction.
- f. On sites with existing, mature trees in areas designated as natural areas on the land use plan, such significant trees shall be identified, evaluated (for disease, safety and structure), and preserved. For the purposes of this section, "significant" trees include the following:
 - Deciduous trees with 24- inch minimum caliper;
 - Evergreen trees 20 feet or more in height; or

Significant Tree Replacement.

- Where significant trees cannot feasibly be preserved, the total caliper inches of the tree(s) that are removed shall be replaced by the same caliper inches of new trees. If trees cannot be replaced size for size then additional trees are required. The new trees shall either be of the same or similar species, or if identified by the City for species diversification, shall be from a list within the Highway Corridor Overlay District Design Guideline Booklet or a list of permissible species approved by the City through the University of Nebraska Forestry Department. Additional recommended plant material is provided by the Nebraska State Arboretum and is included as an appendix to the I-80 Design Guidelines developed by the Nebraska Innovative Zone Commission.

(c) On-Site Automobile, Pedestrian, and Bicycle Circulation

(i) Intent

Create an efficient vehicular circulation system that avoids the creation of large, isolated tracts without routes for through traffic. Create a safe, continuous pedestrian and bicycle network that minimizes conflict with vehicular movement while promoting a convenient option for movement within and between developments.

(ii) Standards

- a. All developments shall provide pedestrian and vehicular connections to each adjoining public street.
- b. Primary circulation and access to and from non-residential use areas shall be oriented toward collector and local roads.
- c. All on-site sidewalks and pedestrian walkways shall be a minimum width of five feet. All trails and sidewalks designated as part of a trail system shall be a minimum of ten feet in width.
- d. All sidewalks and pedestrian walkways shall be aligned and connected with those on adjacent properties and public rights-of-way.
- e. Private full movement driveways giving access to development sites shall be aligned across public streets to contribute to circulation efficiency unless determined otherwise by the local government.
- f. On-site sidewalk systems (or identified walkways) shall provide pedestrian connections that do not require walking across grass, landscaped areas, or the drive lanes of parking areas.
- g. Each point at which the system of sidewalks or walkways must cross an internal street, drive, or parking lot shall be clearly marked through the use of: change in paving materials, height, or distinctive colors.
- h. The hardscape features described in this section, e.g. sidewalks, driveways, etc., should seek to minimize imperviousness whenever possible and be designed to complement the LID (low impact development) stormwater management features on the site with proven engineered design.
- i. All parking requirements shall meet the minimum standards for the use of the property and parking and related drive-thru uses shall be designed to promote efficient circulation.

(d) On-Site Surface Parking

(i) Intent

Parking areas shall be designed and/or located to minimize negative visual impacts, particularly as viewed from Highway 50 in the overlay district area, and adjacent residential developments. All parking requirement shall follow off-street parking requirements within the Springfield Zoning Regulations in addition to those provided herein:

(ii) Standards

- a. All applicable local minimum off-street parking and loading requirements shall be met and all parking shall be hard surfaced and striped.
- b. No more than 50% of a site's frontage along Highway 50 shall be occupied by parking.
- c. Garage entries, carports, and parking structures shall be internalized in building groupings or oriented away from street frontage to the maximum extent feasible.
- d. The number of contiguous parking spaces shall be limited to 30 and each block of 30 shall be separated from each other by at least one of the following methods:
 - A landscaped island that separates the blocks and is at least eight feet wide;
 - A pedestrian walkway or sidewalk within a landscaped median that is at least eight feet wide;
 - A decorative fence or wall, a minimum of three feet in height, bordered by five feet of landscaping on at least one side;

- An access drive or public street bordered by five feet of landscaping on at least one side; or
 - A building or buildings.
- e. All of the required landscaped areas must contain a minimum of 75 percent living landscaping material, with a maximum of 25 percent nonliving landscaping material. Required and approved sidewalks are not counted toward the non-living landscape material percentage.
- f. Parking lot design should incorporate terminal islands at the end of parking row. Divider strips between parking rows should be used to help disperse the required landscaping throughout the entire parking lot.
- g. Large areas of parking (50 or more spaces) shall be distributed between the back or sides of a building, with not more than 50% of the parking for the entire property remaining between the principal building and the primary abutting street.
- h. The perimeter of all parking areas shall be buffered from adjacent Highway 50 corridor and Platteview Road, public open space, and differing adjacent uses (unless such uses have a shared access) by at least one of the following methods:
- An undulating berm three feet high with a maximum slope of 3:1 in combination with evergreen and deciduous trees and shrubs;
 - A hedge at least three feet high, consisting of a row of shrubs planted three feet on center along 75% of the perimeter length; or
 - A fence or wall at least three feet high in combination with landscaping.
- i. All plant materials shall be installed in the following minimum sizes:
- Deciduous shade trees – 2 inch caliper
 - Ornamental trees – 2 inch caliper
 - Evergreen trees – 5 feet high
 - All shrubs – 5 gallon container
 - Groundcover, annuals, and perennials – 1 gallon container
- (e) Landscaping and Buffers
- (i) Intent
Create an attractive environment along the edges of each development parcel, open space, and pedestrian area, and use landscaping to break-up the apparent size and monotony of parking areas.
- (ii) Standards
- a. Highway Buffer
- Developments with a site perimeter directly adjacent to the Highway 50 corridor shall provide a landscaped buffer of at least 20 feet wide between the building or parking lot edge and the right-of-way or frontage road. Buffers shall consist of informal clusters of deciduous and evergreen trees and shrubs planted in an offset pattern and shall include a minimum of one tree and eight shrubs per 40 lineal feet of frontage. Uses inside the buffer may include:
 - Permitted entrances;
 - Underground utilities;
 - Pedestrian and bike trails;
 - Stormwater management facilities; and
 - Frontage roads with a minimum buffer of 20 feet.
 - For lots that exist prior to the adoption of these regulations, the following buffer exceptions shall be applied:

- Where a lot is previously developed and a primary structure encroaches into the minimum buffer area, the building line of the existing structure shall be used as the setback line for future development provided it meets the minimum setback for the zone district.
- b. Minimum Landscaping
- A minimum of 20% of a site's total square footage (not including any Highway Buffer) shall be reserved for landscaping consisting of a variety of trees, turf grasses, shrubs, annual and perennial flower species, mulches, and/or ground covers.
- c. Setback Buffer
- Building setback areas along all arterial, collector, or local roads/streets, as well as private streets and internal drives shall be landscaped with a minimum of one tree for every 40 lineal feet of frontage.
- d. Plant Materials
- A preferred list of plant materials is identified in the Highway Corridor Overlay District Design Guideline Booklet. Additional recommended plant material is provided by the Nebraska State Arboretum and is included as an appendix to the I-80 Design Guidelines developed by the Nebraska Innovative Zone Commission. Coniferous trees shall not be used as street trees.
 - Trees shall have an average spread of crown of greater than 15 feet at maturity. Trees having a lesser average mature crown of 15 feet may be substituted by grouping the same so as to create the equivalent of 15 feet crown of spread.
 - Hedges, where installed, shall be planted and maintained so as to form a continuous, unbroken, solid visual screen which will be at least three feet high within three years after time of planting.
 - Upon installation of required landscape materials, each owner shall take actions to ensure continued health and maintenance of such. Required landscaping that does not remain healthy shall be replaced consistent with these regulations or any other approved guidelines.
- e. Deer Fence
- Any deer fence constructed by the Nebraska Department of Roads is exempt from these design standards.
- f. To the maximum extent possible, site landscaping shall include native landscape elements.
- g. To the maximum extent possible, each landscaped area shall promote 'water smart' landscaping through plant material and design.
- h. If native landscape elements are used, these plant materials shall not be permitted to overhang, extend, or encroach onto any private properties, or public sidewalks, streets, or alleys that are adjacent to the lot, tract, or parcel on which it is planted.
- i. No plant material shall obstruct, obscure, block, or impede regulatory, warning or street identification signs; required sight triangles; or street lighting required to ensure the safe mobility of vehicles and pedestrians on streets, trails, and sidewalks.
- j. If native landscape elements are used, these plant materials should be cut at least once annually between April 15th and July 15th to a height no greater than ten (10) inches, except in designated protected, natural, or open areas.

(2) Development Pattern/Site Layout

(a) Intent

Identify standards required to create a pedestrian-oriented scale and appearance within development centers.

(i) Standards

- a. To the maximum extent possible, development on larger sites containing multiple buildings shall be composed of a series of “blocks” of development defined by streets and driveways that provide links to adjacent streets along the perimeter of the site.
- b. New buildings located along a street/road frontage shall, to the maximum extent feasible, align building walls with existing adjacent buildings and buildings across the street to help create a consistent building edge.
- c. New buildings shall be oriented so that loading bays, dock and service areas are not visible from the corridor and public right-of-way, or otherwise screened from view of such corridor and public right-of-way with landscape and/or earthen berms or other building materials.
- d. Unless part of a larger planned development, mixed use, or commercial center:
 - When there is one building with a single tenant, the building’s “active” wall or storefront shall be oriented toward the primary abutting street; or
 - When there is one building with a single tenant and because of topography, the building’s “active” wall or storefront cannot be oriented toward the primary abutting street, then such wall oriented to said street shall be of architectural character; or
 - When there is one building with multiple tenants, at least 50 percent of the building’s “active” wall or storefronts shall be oriented toward the primary abutting street.
- e. Where there is more than one building in a development, all principal and pad site buildings shall be arranged and grouped so that their primary orientation complements adjacent, existing development and either:
 - Frames the corner of an adjacent street intersection;
 - Frames and encloses a main street pedestrian and/or vehicle access corridor within the development site;
 - Frames and encloses on at least three sides parking areas, public spaces, or other site amenities.
- f. To the maximum extent feasible, building layout shall follow and respect the natural topography of the site. Berms, channels, swales, and similar man-made change to the landscape shall be designed and graded to be an integral part of the natural landscape and to provide a smooth transition in changes in slope.

(3) Building Design

(a) Intent

Provide a high quality architectural character in all commercial and industrial developments. See Highway Corridor Overlay District Design Guideline Booklet for case study (examples of developments or buildings considered meeting this concept).

(b) Standards

(i) Building Orientation

Buildings on lots that front the Highway 50 corridor and Platteview Road should be oriented to present a front or side view to the road/highway/ roadways. Architectural or landscape features are also encouraged to be located facing the roadways.

(ii) Four-Sided Design

These standards shall apply to the primary façade of a building and all sides of the building where visible from the Highway 50 corridor and Platteview Road

rights-of-way, adjacent residential properties, and park/recreation areas shall include design characteristics and material consistent with those of the primary façade, except as provided. Additional building screening shall be required where certain façade requirements are waived by the city.

(iii) Building Form

The design of all buildings shall avoid incorporating monotonous, unbroken flat walls through the use of textured surfaces, projections, recesses, shadow lines, color, window patterns, overhangs, reveals, changes in parapet heights, and similar architectural devices. Buildings having single walls exceeding 50 feet in length shall incorporate two or more of the following at 50 foot intervals:

- a. Changes in color, graphical patterning, changes in texture, or changes in material(s);
- b. Projections, recesses, and reveals with a minimum change in plane of 24 inches;
- c. Windows and fenestration;
- d. Arcades and pergolas;
- e. Towers;
- f. Gable projections;
- g. Horizontal/vertical breaks; or
- h. Other similar techniques.

(c) Franchise Architecture

Franchise architecture that meets minimum standards is allowed. National “standard”, prototype, or trademark designs shall be adapted to be compatible with these standards.

(d) Building Materials and Colors

- (i) Intense, bright, or fluorescent colors shall not be used as the predominant color on any wall or roof of any primary or accessory structure. These colors may be used as building accent colors, but shall not constitute more than 10% of the area of each elevation of the building. See Highway Corridor Overlay District Design Guideline Booklet for examples of preferred colors. Permitted sign areas shall be excluded from this calculation.
- (ii) Highly reflective or glare producing glass with a reflectance factor of .25 or higher is prohibited on all façades. Such prohibition shall apply whether the glass is used in windows or spandrel areas.
- (iii) All building façades 600 feet from the Highway 50 corridor and Platteview Road rights-of-way shall be finished with the same materials and colors and the same degree of window arrangement and articulation used on the major entry walls that are the front of the building, excluding docks and doors on building that are adequately screened according to these regulations.

(e) Roofs

- (i) Roof types should be related to the building’s function and character. Gabled and pitched roofs are generally appropriate for one and two-story construction, while more massive buildings are best suited for hipped roofs or flat roofs placed behind a parapet wall.
- (ii) Sustainable roofs are encouraged. Sustainable roofs include:
 - a. Cool roofs that for a minimum of 75 percent of the total roof surface have a Solar Reflectance Index (SRI) of 78 or higher for a roof with a slope of 2:12 or less, or 29 or higher for a roof with a slope greater than 2:12; or
 - b. A vegetated roof consisting of a minimum of 50% of the total roof surface.

(f) Screening and Fencing

- (i) Rooftop Equipment and Screening. All rooftop mechanical equipment and vents greater than eight inches in diameter shall be screened from the immediately adjacent Highway 50 corridor and Platteview Road rights-of-way. Screening may be done either with an extended parapet wall or a free-standing screen wall. Screens shall be at least as high as the equipment they hide, and shall be of a

color material matching or compatible with the dominant colors and materials found on the façades of the primary building.

- (ii) Service Area and Loading Dock Screening. Loading docks, on-site storage yards, and all other service areas shall be oriented away from and/or shall be substantially screened from view from all the Highway 50 corridor and Platteview Road by natural topography, berms, walls, fences, and/or opaque landscaping. Screens shall be of a color material matching or compatible with the dominant colors and materials found on the façades of the primary building. The screen height shall be of sufficient height to hide the equipment, vehicles, materials, or trash being screened from public view and consistent with the adopted fence regulations, but in no case shall the screen exceed 10 feet. Chain link fences, with or without slats, shall not be used to satisfy this screening requirement.

(g) Lighting

Lighting standards and fixtures for the roadways, parking areas and drives within the commercial, industrial, business park, mixed use, public/quasi-public, and multi-family building areas shall be similar in appearance and quality level as those in the Highway Corridor Overlay District Design Guideline Booklet. Such style shall be submitted by the developer, determined by the city, and adopted as part of established covenants, mixed-use development agreement, and/or subdivision agreement.

- (i) All lighting used to illuminate off-street parking areas, signs or other structures shall be arranged so as to deflect light away from any adjoining residential property through fixture type and location.
- (ii) The maximum height of lighting standards shall be 45 feet, unless the city grants a specific exception as part of the planned unit development application approval process.
- (iii) Exterior lighting of buildings shall be limited to low-level incandescent spotlights, floodlights, and similar illuminating devices hooded in such a manner that the direct beam of any light sources will not glare upon adjacent property or public streets. The city may approve exceptions to these requirements for sports and athletic field lighting, flagpole lighting, public street lighting, temporary lighting for seasonal/holiday or special events, and lighting used for public safety.

(4) Towers, Alternative Energy, Signs

(a) Cell Towers

Within the Highway Corridor Overlay District, the use of a stealth cell tower design is required and shall meet all required regulations.

(b) Solar Energy

(i) Purpose

This section is intended to promote the compatible use of solar energy systems and to assist in decreasing Springfield's dependence upon non-renewable energy systems through the encouragement of solar energy systems for the generation of energy and the heating of buildings and water.

(ii) Standards

Solar energy systems shall be a permitted use. Private restrictions on solar energy systems, such as business owner's association covenants or restrictions, are not permitted.

(iii) Height

In solar retrofit installations, solar energy collectors, storage tanks and equipment, roof ponds, or other solar equipment appurtenant to a solar energy

system may exceed by three feet the local maximum height limits. Systems taller than three feet above any maximum height shall be subject to local approval.

(iv) Setbacks and Screening

In solar retrofit installations, solar energy collectors, storage tanks and equipment, roof ponds, or other solar equipment appurtenant to a solar energy system may extend into the required setbacks a maximum of three feet. Systems extending more than three feet into any required setback shall be subject to approval. Where possible, such solar equipment shall be screened from public view within the right-of-ways with structures or plant material when adjacent to Highways 50.

(v) Conflict with Other City Policies and Ordinances

Nothing in this subsection does, or is intended to abrogate the owner's responsibility to meet all other requirements of the city's land use regulations, including, but not limited to, the preservation of private and public views, the quality of architectural design, and the preservation of historic landmark structures.

(5) Small Wind Energy Systems

(a) Purpose

This section is intended to promote the compatible use of small wind energy systems. Wind energy is an abundant, renewable, and nonpolluting energy resource. When converted to electricity, it reduces our dependence on nonrenewable energy resources and reduces air and water pollution that result from conventional sources. Distributed wind energy structures also enhance the reliability and power quality of the power grid, reduce peak power demands, and increase local electricity generation.

(b) Standards

Small wind energy systems shall be limited to one (1) tower and shall be permitted on lots of at least 20,000 square feet that are not adjacent to residential uses. They are subject to the adopted zoning regulations and following requirements:

(i) Setbacks

A wind tower for a small wind system shall be set back a distance of 1.0 times its total height from:

- a. Any public road right-of-way, unless written permission is granted by the governmental entity with jurisdiction over the road;
- b. Any overhead utility lines, unless written permission is granted by the affected utility; and
- c. All property lines, unless written permission is granted from the affected land owner or neighbor. Written permission must be recorded in the property chain of title and will run with the land.
- d. No part of the system, including guy wire anchors, may be closer than five feet from any property boundary.

(ii) Access

- a. All ground mounted electrical and control equipment shall be labeled or secured to prevent unauthorized access.
- b. The tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of eight feet above the ground.

(iii) Lighting

A wind tower and generator shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration. A light temporarily used to inspect a turbine, tower, and associated equipment is permissible, providing said light is only used for inspection purposes and not left on for an extended period of time.

(iv) Decibel Levels

Decibel levels for the system shall not exceed the lesser of 60 decibels (Dba) as measured at the closest neighboring inhabited dwelling, except during short-term events such as utility outages and severe wind storms.

(v) Signs

All signs, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a wind generator, tower, building, or other structure associated with a small wind energy system visible from any public road shall be prohibited.

(vi) Code Compliance

A wind energy structure including tower shall comply with all applicable State construction and electrical codes, and the National Electrical Code as adopted by the city.

(vii) Height

- a. The maximum height of a wind energy system shall comply with the underlying zoning district.
- b. The structure shall comply with all applicable Federal Aviation Administration requirements, including but not limited to Subpart B (commencing with Section 77.11) of Part 77 of Title 14 of the Code of Federal Regulations regarding installations in excess of 200 feet in height and, installations close to airports. The system shall also comply with any and all Nebraska aeronautics regulations.

(viii) Met and New Technology

- a. Temporary meteorological (Met) towers shall be permitted under the same standards as a small wind energy system, except that the requirements shall be the same as those for a temporary structure. A permit for a temporary Met tower shall be valid for a maximum of three years after which an extension may be granted. Permanent Met towers may be permitted under the same standards as a small wind energy system.

(6) Commercial Wind Energy Systems

Commercial wind energy systems shall not be permitted to locate within the Highway Corridor Overlay District.

(7) Signs

Local sign regulations and *NAC Title 410, Chapter 3—Sign Permits: NDOR Rules and Regulations Relating to the Control of Advertising in Areas Adjacent to the Highway Beautification Control System* standards shall apply in the Highway Corridor Overlay District, except as modified in this section:

- (a) The combined area of all wall signs attached to any façade of a building shall not exceed twenty five percent of the façade area of the building (including doors and windows).
- (b) Roof signs are not permitted, and wall signs shall not extend beyond the top edge of any façade of the building.
- (c) Projecting signs shall not exceed 15 square feet per building face.
- (d) Window signs shall consist of lettering applied to the interior of display windows.
- (e) Window signs shall not fill up more than 20 percent of the window area, and shall be limited to letters of 8 inches or less in height.
- (f) Billboards shall not be permitted in the district.
- (g) Pole signs shall not be permitted in the district.
- (h) All freestanding signs shall be monument signs (i.e., the lower edge of the sign is attached to a foundation with no visible air space in between the lower edge of the sign face and the foundation) constructed of materials that are similar to or are compatible in quality and appearance with the primary materials used on primary

buildings on the site. The addition of skirting between the lower edge of the sign face and the foundation of a pole sign, in order to avoid visible air space between the two, is prohibited, unless made permanent part of the sign with similar materials and approved by the city.

- (i) The maximum height of a monument sign shall be 10 feet above grade along the Highway 50 corridor and the maximum sign face of a monument sign shall comply with the regulations of the underlying zoning district. If the monument sign is oriented approximately perpendicular to the street frontage, or if it is located diagonally on a corner lot in order to be seen from two streets, it may contain a sign face of up to 100 square feet. The area of double-faced signs is calculated on the largest face only. Maximum sign areas shall apply to each lot or parcel, and not per street frontage or per user.

(8) Commercial, Office, Public/Quasi-Public, Mixed Use, and Business Development

(a) Intent

These standards focus on the development of Commercial, Office, Public/Quasi-Public, Mixed Use, and Business Development at a scale that meets local needs with design elements that are geared to a human scale with a site balance between pedestrian and vehicle preferences.

(b) Standards

(i) Preferred Location

Commercial, Office, and Business Development should be concentrated within activity centers along Highway 50 intersections near Platteview Road. These uses should not be developed in a linear strip along frontage roads.

(ii) Building Design

a. Exterior Building Materials

- Permitted exterior building materials shall be high quality, durable materials that include, but are not limited to, brick; native or manufactured stone (Renaissance stone or similar masonry materials); integrally colored, burnished, textured, or glazed concrete masonry units; pre-finished metal panel systems; quality metals such as copper; high quality pre-stressed concrete systems; tilt-up concrete panels with an architectural finish; and drainable (water managed) EIFS. See Highway Corridor Overlay District Design Guideline Booklet for approved colors.
- The following exterior materials are prohibited: split shakes, rough-sawn wood; painted concrete block; tilt-up concrete panels without an architectural finish; field-painted or pre-finished standard corrugated metal siding; standard single- or double-tee concrete systems; or barrier type EIFS. Any of these materials may be used as accent materials provided they do not exceed 10% of the associated façade.
- Materials on all sides of the building shall be consistent with materials and colors of the front façade when visible from public streets and trails and adjacent residential areas.

b. Pedestrian Scale Details

To promote a sense of human scale, special accent materials and design details shall be incorporated into all first floor façades and paving areas abutting pedestrian walkways. Such features shall include, but are not limited to:

- Changes in paving patterns and materials at pedestrian building entrances and other significant pedestrian locations.
- Special decorative wall patterns, textures, accent materials, or graphics;
- Reveals;
- Special architectural features marking pedestrian entries; and

- Display windows (Darkly tinted and mirrored windows are prohibited as ground floor windows or doorways).
- The development and layout of internal street systems shall promote pedestrian linkage, accessibility, and interconnectivity among commercial uses within a development.
- All pedestrian walkways shall be designed to maximize access to commercial entryways, places of social interaction, parks, and parking areas.

c. Common Architectural Theme

Each commercial, mixed use commercial, civic, or office/business development shall create its own identity with unique design themes based on a palette of compatible rooftops, materials, and colors. Such identity shall be developed according to the base guidelines but may go above and beyond. Once a theme is developed, all buildings in the commercial, mixed use, public/quasi-public, or office/business development shall share the common architectural and landscaping themes, materials, and styles. Both pads and anchor stores shall incorporate all such thematic design, materials, landscaping, roof types, and colors.

- Highly visible commercial or office entryways are required to incorporate canopies, awnings, outdoor patios, arcades, display windows, and/or overhangs.
- All new commercial or office buildings shall be constructed with a base; middle; and top. Each component shall be articulated through horizontal and/or vertical articulation, which may consist of changes in the wall plane, use of openings and projections, material changes, and/or color variations

d. Building Height

Structures shall not exceed the height requirement of the underlying zoning district.

e. Building Orientation

The main or front façade of all commercial or office units shall orient to a public street/road, unless such side facing public right-of-way is substantially screened or of approved architectural character because of restrictive topography.

(c) Mass Retail Standards

(i) Applicability

These standards are applicable to all single-story retail, commercial and business development buildings containing 40,000 square feet or more of gross floor area.

(ii) Façade Articulation

Each façade greater than 50 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least two feet and extending at least 20% of the length of the building.

(iii) Façade Design

Each building façade shall have a repeating pattern that includes no fewer than three instances of either:

- a. Color change;
- b. Texture change;
- c. Material change; or
- d. Expression of an architectural or structural bay through a change in plane no less than 12 inches in width.

At least one of those elements shall repeat horizontally at an interval of no more than 30 feet.

(iv) Concealing Equipment

Rooftop Equipment and Screening. All rooftop mechanical equipment and vents greater than eight inches in diameter shall be screened from the immediately adjacent to the Highway 50 corridor and Platteview Road rights-of-way. Screening may be done either with an extended parapet wall or a free-standing screen wall. Screens shall be at least as high as the equipment they hide, and shall be of a color material matching or compatible with the dominant colors and materials found on the façades of the primary building.

(v) Customer Entrances

Each building shall have clearly defined, highly visible customer entrances featuring at least three of the following elements:

- a. Canopies or porticoes;
- b. Overhangs;
- c. Recesses or projections;
- d. Arcades;
- e. Arches;
- f. Peaked roof forms;
- g. Outdoor patios;
- h. Display windows;
- i. Architectural tile work or moldings integrated into the building design;
- j. Integrated planters or wing walls that incorporate landscaped areas or seating areas.

(vi) Outdoor Amenities

Each site containing a big box retail building shall provide at least two of the following within a public area that measure at least 1,000 square feet:

- a. Pedestrian plaza, Patio or outdoor seating area;
- b. Window shopping walkway;
- c. Water feature; or
- d. Other deliberately shaped and highly visible outdoor amenity such as public art.

(9) Industrial, Transportation, and Warehousing Development

(a) Intent

This section is intended to provide minimum design standards to ensure that where industrial, transportation, or warehousing development occurs with other development types that the industrial, transportation, and warehousing structures are designed in keeping with the overall development pattern.

(b) Standards

(i) Building Design

- a. Permitted exterior building materials shall be high quality, durable materials that include, but are not limited to, brick; native or manufactured stone (Renaissance stone or similar masonry materials); integrally colored, burnished, textured, or glazed concrete masonry units; pre-finished metal panel systems; quality metals such as copper; high quality pre-stressed concrete systems; tilt-up concrete panels with an architectural finish; and drainable (water managed) EIFS. See Highway Corridor Overlay District Design Guideline Booklet for approved colors.
- b. Concrete tilt-up buildings are allowed subject to the following standards:
 - Panels shall be embossed with reveals that repeat a common pattern.
 - All elevations visible from a public or private street shall include variable parapet heights and two feet minimum projections with the distance between not to exceed 60 feet.

- All main entries (or storefronts) shall be identified by the use of an arcade, covered entry, spandrel glass, or other similar architectural feature.
- c. Metal is prohibited as a primary exterior surface material on industrial, transportation, or warehousing buildings (including manufacturing, storage, distribution, or assembly buildings) on the side of the building oriented to the Highway 50 corridor. Metal may be used as a trim material on the side of the building oriented to the designated corridors and boulevard, covering no more than 30% of the façades of such buildings.
- (ii) Landscaping - Exterior Boundaries
A landscaped buffer of a minimum of 25 feet in width shall be maintained within and along the exterior boundaries of any development or industrial park, except those portions of the boundaries adjacent to dedicated public streets and alleys.
- (iii) Landscaping - Developed Lots
All of a developed lot except that portion covered by buildings, parking lots, and driveways, shall be landscaped. Landscaping may consist of grass, trees, decorative walls, screenings, terraces, fountains, pools, or other landscaping approved by the local jurisdiction. A landscaping plan shall be submitted at the time of the preliminary plat. Landscaping in accordance with the approved final plat and subdivision agreement is mandatory.
- (iv) Outdoor Waste Storage - Screened From View
Outdoor storage of waste material or refuse and all refuse collection bins, cans, or other containers shall be concealed from view such that the same cannot be seen from any point under ten feet in height outside of the district, or from any point, indoors or outdoors, on adjoining property within the district.
- (10) Multi-family Residential development
- (a) Intent
These standards focus on creating a cohesive development pattern for multi-family development that may occur in the area that reflects local design themes and provides an inviting living area for residents.
- (b) Standards
- (i) Preferred Location
Multi-family development shall be located within or adjacent to commercial activity centers where a wide range of services exist or are planned for the future and/or part of a planned unit development.
- (ii) Multi-family development shall be buffered and screened from the Highway 50 corridor with landscape or fencing materials.
- a. Landscape materials shall comply with those prescribed herein.
 - b. Fencing shall be of uniform design and materials for each subdivision adjacent to the corridor.
- (iii) Open Area Standards
- a. A minimum of 30 percent of the gross development area within a subdivision plat or site plan shall be designated as open areas. The open areas shall be located to
 - Protect the types of areas identified herein (Protection of Natural Features, Resources, and Sensitive Areas);
 - Comply with local landscaping regulations; and
 - Create courtyards or other internal configurations whenever possible.

- b. All groupings of 50 or more multi-family units shall have access to at least one the following amenities, and all groupings of 100 or more multi-family units shall have access to at least two of the following amenities:
 - A recreational facility, such as a tennis court, picnic area, or volleyball court.
 - A swimming pool.
 - A plaza area with benches focused on a water feature or work of art.
 - Residential clubhouse space.
 - Playground/play area
- (c) Parking Design
 - (i) To minimize exterior surface parking, at least 25 percent of residential parking shall be in garages.
 - (ii) Where detached garages are used, they shall be faced with the same mix and percentage of materials as the primary structure.
- (d) Building Design
 - (i) Massing and Articulation
 - a. All multi-family buildings shall be designed to provide complex massing configurations with a variety of different wall planes and roof planes. Large multi-family structures shall provide changes in wall and roof planes in 50 foot intervals.
 - b. Buildings shall be horizontally articulated at every two floors through the use of decorative banding, a change in siding material and/or color, or sloping roof planes.
 - c. The façades of single-family attached townhouses or row houses shall be articulated and provided with different façades to differentiate individual units.
 - (ii) Building Length
 - a. The maximum length of any multi-family residential building shall not exceed 200 feet.
 - b. No more than eight single-family attached townhouses or row houses shall be attached in a single row or building cluster.
 - (iii) Four-Sided Design

All sides of a building open to view by the public, whether from public or private property, shall be treated as a front side, displaying a similar level of quality and architectural interest or style.
 - (iv) Windows
 - a. All elevations on multi-family buildings shall contain windows.
 - b. Windows shall be of a similar size, shape, and architectural character to those traditionally found in the neighborhood.
 - (v) Additional Standards
 - a. Multifamily structures taller than two stories shall provide a gradual height transition by “stepping-down” to meet the approximate height of adjacent single-family homes or other structures of a lesser height.
 - b. Exposed concrete foundations shall not be permitted where visible from the street, unless architecturally designed.
 - c. Roof forms and treatments shall be similar to those found on similar structures in the neighborhood.

Section 5.22 CO Corridor Overlay District

- A. Intent:** The city of Springfield 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 Springfield along Platteview Road and Pflug Road. Guiding development in this manner promotes the general health, safety and welfare of the residents within the zoning jurisdiction of the Springfield, 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 Springfield. 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 660 feet (1/8 mile) from the right-of-way line on either side of Platteview Road through Springfield's jurisdiction and Pflug Road from Highway 50 to 132nd Street. Nodes should also be recognized as described within the Comprehensive Plan. 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 Springfield. 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: City staff (or Design Review Board/Architect) 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 Springfield 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.

Section 5.23 MSO Main Street Overlay District

- A. Intent:** The City of Springfield has established basic site and building development criteria to be implemented within the boundaries of this overlay district. The Main Street 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 corridor extending from downtown east through town where public facilities are provided adjacent to the corridor. Guiding development in this manner promotes the general health, safety and welfare of the residents within the zoning jurisdiction of the Springfield, by providing quality design and construction which will also aid in the protection of past and future investment in the main street corridor. The regulations in the overlay district are in addition to those of the underlying zoning district for the property.
- B. Geographic Area:**
Main Street from Highway 50 east to 120th Street is defined as this Special Corridor in Springfield. A higher performance point requirement is mandated along this special corridor because of its effect on the character of the City of Springfield. Any property that has frontage along Main Street; or any property where a portion of the lot lies within approximately 150 feet of the right-of-way of this roadway, is considered to lie within a Main Street Overlay District. For a graphically defined area, see the Official Zoning Map.
- C. Permitted Uses:**
The following principal uses are permitted in the MSO District.
1. All permitted uses contained in the underlying base zoning district unless specifically noted in these regulations.
- D. 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 MSO 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.
- E. Site plan review procedure:**
1. Purpose

The Site Plan Review Procedure provides for the administrative review, in addition to any plan review required by other sections of the Springfield Ordinance, of projects that have potentially significant effects on traffic circulation or a significant effect on land uses in adjacent neighborhoods. The procedure provides for review and evaluation of site development features and possible mitigation of unfavorable effects on surrounding property.
 2. Administration

City Staff or a designee shall review, evaluate, and act on all site plans submitted pursuant to this procedure. An applicant may appeal a denial of any application to the Board of Adjustment.
 3. Uses Requiring Site Plan Review

The following selected uses shall follow the Site Plan review procedure prior to the issuance of a building permit, unless they are otherwise subject to a Conditional Use Permit procedure for specific zoning districts.
 - a. Multiple-family developments with 6 or more dwelling units.
 - b. Education Facilities

- c. Automotive Washing
- d. Automotive Sales
- e. Any use including drive-in services.
- f. Any commercial, industrial, or office building providing over 10,000 square feet in building area.
- g. Any industrial use adjacent to a residential zoning district.
- h. Any animal production or confinement facility.

4. Application Requirements

An application for a Site Plan Review may be filed by the owner(s) of a property or the owners' authorized agent with City Staff. The application shall include the following minimum information:

- a. Name and address of the applicant.
- b. Owner, address, and legal description of the property.
- c. A description of the nature and operating characteristics of the proposed use.
- d. A site plan, drawn to a scale sufficient to permit adequate review and dimensioned as necessary, showing the following information:
 - i. The date, scale, north point, title, name of owner, and name of person preparing the site plan.
 - ii. The location and dimensions of boundary lines, easements, and required yards and setbacks of existing and proposed buildings and site improvements.
 - iii. The location, size, and use of proposed and existing structures on the site.
 - iv. The location of all proposed site improvements, including parking and loading areas, pedestrian and vehicular access, sewers, sidewalks, utilities, service areas, fencing, screening, landscaping, and lighting.
 - v. Location of any major site feature, including drainage and contours at no greater than five foot intervals.
 - vi. Any other information that may be required for review by the Zoning Administrator, or his/her designee.

5. Administrative Action and Appeal

City Staff, or designee, must act upon each complete application within fifteen working days of filing. An applicant may appeal a denial to the Board of Adjustment within fifteen days of the action. The Board of Adjustment shall consider the appeal at the first available meeting after the filing of the appeal.

6. Review and Evaluation

- a. City Staff, or designee, (or the Board of Adjustment in cases of appeal), shall review and approve the site plan based on the criteria established in Table 1-1 and conformance with applicable regulations in this Zoning Ordinance.

- b. City Staff, or designee, (or the Board of Adjustment in cases of appeal), shall make the following findings before approval of the site plan:
 - i. The proposed development, together with any necessary modifications, is compatible with the criteria established in Table 1-1.
 - ii. Any required modifications to the site plan are reasonable and are the minimum necessary to minimize potentially unfavorable effects.
 - iii. The site plan conforms to the Zoning Ordinance.

7. Modification of Site Plan

City Staff, or designee, (or the Board of Adjustment in cases of appeal), may require modification of a site plan as a prerequisite for approval. Required modifications may be more restrictive than base district regulations and may include, but not be limited to, additional landscaping or screening; installation of erosion control measures; improvement of access or circulation; rearrangement of structures on the site; or other modifications deemed necessary to protect the public health, safety, welfare, county character, property values, and/or aesthetics.

8. Term and Modification of Approval

- a. A Site Plan Approval shall become void two years after the date of approval, unless the applicant receives a Building Permit and diligently carries out development prior to the expiration of this period.
- b. City Staff, or designee, may approve an application to modify a previously approved site plan if it is determined that the modification does not affect findings related to the criteria set forth in Table 1-1.
- c. City Staff, or designee, may revoke a Site Plan Approval if it is determined that the development is not in compliance with the terms and conditions of the approval. Such revocation may be appealed to the Board of Adjustment.

9. Approval to Run With Land

An approval pursuant to this section shall run with the land until the expiration date of such approval.

Table 1-1: Site Plan Review Criteria

	CRITERIA
Height and Scale	
Height and Bulk	Development should minimize differences in height and building size from surrounding structures. Differences should be justified by urban design considerations.
Setbacks	Development should respect pre-existing setbacks in surrounding area. Variations should be justified by site or operating characteristics.
Building Coverage	Building coverage should be similar to that of surrounding development, if possible. Higher coverage should be mitigated by landscaping or site amenities.
Site Development	
Frontage	Project frontage along a street should be similar to lot width.

Parking and Internal Circulation	<p>Parking should serve all structures with minimal conflicts between pedestrians and vehicles.</p> <p>All structures must be accessible to public safety vehicles.</p> <p>Development must have access to adjacent public streets and ways. Internal circulation should minimize conflicts and congestion at public access points.</p>
Landscaping	<p>Landscaping should be integral to the development, providing street landscaping, breaks in uninterrupted paved areas, and buffering where required by surrounding land uses. Parts of site with sensitive environmental features or natural drainage ways should be preserved.</p>
Building Design	<p>Architectural design and building materials should be compatible with surrounding areas or highly visible locations</p>
Operating Characteristics	
Traffic Capacity	<p>Project should not reduce the existing level of traffic service on adjacent roadways. Compensating improvements will be required to mitigate impact on street system operations.</p>
External Traffic Effects	<p>Project design should direct non-residential traffic away from residential areas.</p>
Operating Hours	<p>Projects with long operating hours must minimize effects on surrounding residential areas.</p>
Building Design	<p>Architectural design and building materials should be compatible with surrounding areas for highly visible locations</p>
Operating Characteristics	
Outside Storage	<p>Outside storage areas must be screened from surrounding streets and less intensive land uses.</p>
Public Facilities	
Sanitary Waste Disposal	<p>Developments within 300 feet of a public sanitary sewer must connect to sewer system. Individual disposal systems, if permitted, shall not adversely affect public health, safety, or welfare.</p> <p>Sanitary sewer must have adequate capacity to serve development.</p>
Storm Water Management	<p>Development should handle storm water adequately to prevent overloading of public storm water management system.</p> <p>Development should not inhibit development of other properties.</p> <p>Development should not increase probability of erosion, flooding, landslides, or other run-off related effects.</p>
Utilities	<p>Project must be served by utilities.</p>

	Rural estate subdivisions should be located in designated areas that can accommodate utility and infrastructure installation consistent with the need to protect the environment and public health.
Comprehensive Plan	Projects should be consistent with Springfield's Comprehensive Development Plan.

F. Performance Point Evaluation System

1. Purpose

The Performance Point Evaluation System is designed to ensure that projects with especially significant scale, design, or operational effects on their environments provide enhancements and design features which compensate for these effects. The system requires attainment of a specified number of Performance Points in order for a project to receive a permit to proceed. It further provides a variety of design features and enhancements to permit a developer considerable flexibility in choosing appropriate enhancements.

2. Uses Requiring Performance Point Evaluation

The Performance Point Evaluation System applies to all uses requiring site plan approval with the exception of building additions which constitute less than a 50% increase in the gross floor area of the existing building and any development within the Downtown Commercial District.

3. Performance Point Requirements

In order to receive a permit to proceed with development, projects must attain the number of Performance Points set forth in the following table:

<u>Intensity Rating</u>	<u>Performance Point Requirement</u>	<u>Applicable Uses</u>
M (Moderate)	30	Residential
H (High)	50	Commercial, Industrial
I (Intensive)	70	Commercial and Industrial uses requiring a Site Plan within Special Corridors: and/or adjacent to a residential zoning districts

4. Project Evaluation

- a. Projects shall be evaluated by City Staff, who shall maintain a written record of the evaluation.
- b. Administrative evaluations by the City Staff which result in the denial of the project approval may be appealed to the Board of Adjustment.

5. Evaluation Standards

- a. Landscaped Areas
 - i. Base Standard: All projects must provide landscaping consistent with the minimum yard depth, setbacks, and buffer standards established by their base districts.
 - ii. Performance Points: One point can be earned for each 1% of total required yard area, that contains ornamental landscaping such as: trees, shrubbery, decorative plants, water bodies, and in some cases rock or stone arrangements. Landscaped areas can earn a maximum of 20 points for any

single project. Landscaping must be located back from the street property line and on site. To be considered for performance points, the landscaping must be in excess of any minimum required standards and must not be calculated with any other performance point considerations (such as “Parking Lot Landscaping” or “Trees”).

b. Parking Lot Landscaping

- i. Base Standard: All parking lots accommodating 20 or more cars shall provide interior landscaping equal to 5% of the paved area of the parking lot.
- ii. Performance Points: Projects earn points based on the following table:

<u>Points</u>	<u>Action</u>
0	Project meets minimum standards.
5	Project provides 1.25 times the base standard for interior landscaping.
10	Project provides 1.50 times the base standard for interior landscaping.
15	Project provides 2.00 times the base standard for interior landscaping.

c. Trees

- i. Base Standard: All projects must provide one tree of a species approved by City Staff for each 1,000 square feet of required yard.
- ii. Performance Points: Projects earn points based on the following table:

<u>Points</u>	<u>Action</u>
0	Project meets minimum standards.
5	Project provides 1.25 times the base standard for tree planting.
10	Project provides 1.50 times the base standard for tree planting.
15	Project provides 2.00 times the base standard for tree planting.
20	Project provides 2.00 times the base standard for tree planting.

- iii. For purposes of these calculations, each tree with a trunk caliper of 3 inches or more shall be counted as 1.25 trees. Each existing tree with a caliper of greater than 6 inches that is approved for preservation by City Staff shall count as 1.5 trees.

d. Signage

- i. Base Standard: Projects must meet the sign requirements set forth in the Sign Ordinance. (Section 7.03)
- ii. Performance Points: Projects earn points based on the following table:

<u>Points</u>	<u>Action</u>
0	Total sign area = 80% to 100% of permitted sign area.
5	Total sign area = 70% to 80% of permitted sign area.
10	Total sign area = 60% to 70% of permitted sign area.
15	Total sign area = 50% to 60% of permitted sign area.
20	Total sign area = Less than 50% of permitted sign area.

- iii. Projects which provide all signage as monument or ground signs earn an additional ten points. All such signs must be located outside of vision clearance zones.
- e. Parking in Street Yard Facing Corridors
 - i. Base Standard: Projects must meet requirements of the base zoning district.
 - ii. Performance Points: Projects earn points based on the following table:

<u>Points</u>	<u>Action</u>
0	Project meets minimum standards.
5	Reduces the amount of streetyard parking to 10% below requirement.
10	Reduces the amount of streetyard parking to 20% below requirement.
15	Reduces the amount of streetyard parking to 30% below requirement.
20	Reduces the amount of streetyard parking to 40% below requirement.

- f. Impervious Coverage

<u>Points</u>	<u>Action</u>
0	Project meets minimum standards.
5	Reduces impervious coverage to 10% below requirement.
10	Reduces impervious coverage to 20% below requirement.
15	Reduces impervious coverage to 30% below requirement.
20	Reduces impervious coverage to 40% below requirement.

- g. Building Articulation

- i. Base Standard: No Requirement.
- ii. Performance Points: Street facing building facades can earn points by providing articulation, or offsets, along long expanses of wall. Points are earned based on the following table:

<u>Points</u>	<u>Action</u>
5	Building provides a minimum offset of 5 feet for every 100 feet of length of the façade parallel to the street.
10	Building provides a minimum offset of 5 feet for every 75 feet of length of the façade parallel to the street.
15	Building provides a minimum offset of 5 feet for every 50 feet of length of the façade parallel to the street.

- h. Building Materials

- i. Base Standard: No Requirement.
- ii. Performance Points: Projects earn points based on the following table:

- | <u>Points</u> | <u>Action</u> |
|---------------|--|
| 0-15 | Use of brick or building stone in the façade of buildings. Scores vary according to the amount of these materials and their integration with other building materials. |
| i. | Use of Pitched or Gabled Roofs |
| i. | Base Standard: No Requirement. |
| ii. | Performance Points: Projects earn points based on the following table: |
| <u>Points</u> | <u>Action</u> |
| 0-10 | Highest score is provided if 75% to 100% of the roof area of the building is accounted for by roofs with a minimum roof pitch of 1:5. |
| j. | Parking Lot Design and Pedestrian Access |
| i. | Parking lots providing over 200 stalls should be divided into smaller parking fields not exceeding 100 stalls to reduce the visual impact of large parking expanses. Divisions should be made with landscape strips, peninsulas, or grade changes. |
| ii. | Commercial or office parking lots shall be designed to separate pedestrians from vehicles to the maximum degree possible and to provide protected pedestrian paths within parking areas which lead to store, building, or shopping center entrances. |
| iii. | Sidewalks and walkways in commercial developments should link to the city's sidewalk and trail system where available, and shall provide a safe pedestrian route from adjacent public sidewalks and trails. |
| k. | Incentives and Bonuses |

Projects may earn development points by providing special design features or amenities. Points shall be awarded up to a maximum number, based upon review by City Staff, subject to standards and guidelines established in Table 1.04a below.

Table 1-2: Incentives for Development of Amenities

Feature	Point Range	Evaluation Features
Pedestrian/Bicycle Trail Access	0-15	Presence of connections to the MoPac Trail or local trails, routing and alignment, signage, trail width and surfacing, special design features.
Site Lighting	0-10	Use of sharp cut-off or ornamental light fixtures.
Creation of New Environmental Features	0-20	Creation of new water bodies, managed wetlands, and areas of special vegetation.

6. Procedures for Approval

Developments that necessitate Site Plan and/or Performance Point evaluation are reviewed by City Staff, subject to the following procedures:

- a. The applicant shall meet with City Staff for the purpose of submitting a pre-application concept plan.
- b. The applicant shall apply for Project Evaluation on a form provided by the City. The application shall include the information required for Site Plan review or in Table 1-3 for Performance Point Evaluation.

- c. City Staff shall complete a written evaluation of the project, based on the standards established in Section 1-1, and Section 1-3 if a performance point review is required. This review is required to be completed within 15 calendar days from the date of submittal and shall determine the number of development points that are awarded to the project. If the project earns the required number of points, City Staff shall issue a Certificate of Approval of the project. All subsequent building and development permits shall be issued in concordance with the approved development plan.
- d. A denial of the project based on failure to earn the required number of development points shall be transmitted to the applicant. The applicant may either modify the project or appeal the decision of City Staff to the Board of Adjustment.
- e. In the event of appeal, the Board of Adjustment, after proper notice, shall hold a public hearing and act upon the application. Proper notice shall mean the same notice established for a zoning amendment.

Table 1-3: Application Requirements for Performance Point Review

Application Requirements	Applications Consistent with Land Use Regulations
Location, size, legal description of site	<input type="checkbox"/>
Location and description of major site features, including tree masses, drainage ways, wetlands, soils, 100-Year Floodplains.	<input type="checkbox"/>
Generalized land use plan.	<input type="checkbox"/>
Generalized internal and external transportation and circulation system, including pedestrian and bicycle system.	<input type="checkbox"/>
Statistical summary of the project, including gross and net site area, number of housing units by type, gross floor area of other uses, total amount of parking, and building and impervious surface coverages.	<input type="checkbox"/>
Site master plan, including general envelopes of buildings, parking, open space, and other site features.	<input type="checkbox"/>
Description and location of all use types included in the project, including maximum floor areas devoted to each use.	<input type="checkbox"/>
Location and design of vehicular, bicycle, and pedestrian circulation systems, including relationship to external transportation system.	<input type="checkbox"/>
Grading plan, including erosion control plans.	<input type="checkbox"/>
Location of existing and proposed utilities, sanitary sewers, stormwater facilities, and water, gas, and electrical distribution systems.	<input type="checkbox"/>
General locations and sizes of signs and street graphics.	<input type="checkbox"/>
Proposed site development regulations, including building and impervious coverage, setbacks, maximum heights, and other design standards specific to the project.	<input checked="" type="radio"/>
Detailed site plan, displaying specific location or building envelope limits for all major site structures; location of open spaces; parking facilities.	<input type="checkbox"/>
Exterior building elevations if applicable for evaluative purposes	<input checked="" type="radio"/>
Detailed open space and landscape plan.	<input checked="" type="radio"/>
Utility plans for all proposed utility improvements.	<input type="checkbox"/>
Location, size, style, and lighting of signage, including directional and signage control.	<input checked="" type="radio"/>
Location and design of proposed site lighting.	<input checked="" type="radio"/>
Proposed public and private ownership boundaries, including proposed private lots and common ownership areas.	<input type="checkbox"/>

Required for all applications Required if submitted for credit toward development points.

Section 5.24 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 Springfield, 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 May 3, 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 Springfield identified on the Sarpy County and incorporated areas Flood Insurance Rate Map (FIRM) Panels 0160 and 0180 and Map Index dated December 2, 2005, 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 City 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 Springfield 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 City Administrator is hereby appointed to administer and implement the provisions of this ordinance.

b. Duties of the City 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 floodproofed.
- vii. When floodproofing is utilized for a particular structure the City 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 City 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 City 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;
 - (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 floodproofed 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 Springfield shall hear and decide appeals and requests for variances from the requirements of this ordinance.
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 City 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.
 - 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 City 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 \$100.00, 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 Springfield 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 Springfield. 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 City 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 5.25 Zoning District Summary Table
Springfield, Nebraska: Lot and Area Requirements

ZONING DISTRICT	MINIMUM LOT AREA			MINIMUM YARD REQUIREMENTS				MAXIMUM HEIGHT	
	LOT AREA	LOT WIDTH	LOT DEPTH	FRONT SETBACK ³	SIDE	STREET SIDE	REAR	IN STORIES	IN FEET
AR: Agriculture Residential Other Permitted Uses Accessory Buildings	5 acres	300 ft. 400 ft.		50 ft. 50 ft. 70 ft.	20 ft. 15 ft. 5 ft.		25 ft. 25 ft. 5 ft.	2½	35 ft. 65 ft. 15 ft.
RT Rural Arts/Tourism Dist. Single-family Other Permitted Uses Accessory Buildings	2 acres 2 acres .	100 ft. 100 ft.		35 ft. 35 ft. 50 ft.	15 ft. 15 ft. 10 ft.	15 ft. 15 ft. 15 ft.	25 ft. 25 ft. 5 ft.	3	40 ft. 65 ft.** 30 ft.
R100: Single-family Res. Other Permitted Uses Accessory Buildings	10,000 s.f. 10,000 s.f.	80 ft. 80 ft.		35 ft. 25 ft. 50 ft.	10 ft. 10 ft. 5 ft.	25 ft. 25 ft. 25 ft.	25 ft. 25 ft. 3 ft.	2½	35 ft. 65 ft. 15 ft.
R-92 Single-family Other Permitted Uses Accessory Buildings	9,200 ft. 9,200 ft.	76 ft. 76 ft.		25 ft. 25 ft. 50 ft.	7 ft. 10 ft. 5 ft.	15 ft. 20 ft. 20 ft.	25 ft. 25 ft. 3 ft.	2½	35 ft. 65 ft. 15 ft.
R-87 Single-family Other Permitted Uses Accessory Buildings	8,700 ft. 8,700 ft.	66 ft. 66 ft.		35 ft. 25 ft. 50 ft.	7 ft. 10 ft. 5 ft.	25 ft. 25 ft. 25 ft.	25 ft. 25 ft. 3 ft.	2½	65 ft. 15 ft.
R-50 Two-Family Res. Single-family Two-family Other Permitted Uses Accessory Buildings	5,000 s.f. 5,000 s.f./ d.u. 8,700 s.f. .	50 ft. 80 ft. 60 ft.	5,000 ft. 3,000 ft.	25 ft. 25 ft. 25 ft. 50 ft.	7 ft. 10 ft. 10 ft. 5 ft.	15 ft. 15 ft. 15 ft. 15 ft.	25 ft. 25 ft. 25 ft. 3 ft.	2½ 2½	35 ft. 35 ft. 35 ft. 15 ft.
R-30 General Family Res. Single-family Two-family Multi-Family Other Permitted Uses Accessory Buildings	5,000 s.f. 5,000 s.f./ d.u. 10,000 s.f. 10,000 s.f.	50 ft. 80 ft. 90 ft. 80 ft.		25 ft. 25 ft. 25 ft. 25 ft. 50 ft.	7 ft. 10 ft. 10 ft. 10 ft. 5 ft.	15 ft. 15 ft. 15 ft. 15 ft. 15 ft.	25 ft. 25 ft. 25 ft. 25 ft. 3 ft.	2½ 2½ 2½ 3 ft.	35 ft. 35 ft. 35 ft. 45 ft. 15 ft.
RB: Residential Bus. Dist.	8,700 s.f.	50 ft.		25 ft.	15 ft. *	15 ft.	25 ft.**	2½	35 ft.

ZONING DISTRICT	MINIMUM LOT AREA			MINIMUM YARD REQUIREMENTS				MAXIMUM HEIGHT	
	LOT AREA	LOT WIDTH	LOT DEPTH	FRONT SETBACK ³	SIDE	STREET SIDE	REAR	IN STORIES	IN FEET
M: Modified Res. District ¹ Mobile Home Park Individual Lots	five (5) acres 4,000 s.f.	40 ft.	100 ft	100 ft. 35 ft.	50 ft. 10 ft.		50 ft. 25 ft.		
MU: Mixed Use Single-family Single-family attached Two-family Townhouse/Condos Multi-Family Other Permitted/Cond. Uses Accessory Buildings	7,000 s.f. 4,500 s.f./ d.u. 10,000 s.f. 2,500 s.f./d.u. 2,500 s.f./d.u. 8,500 s.f.	70 ft. 45 ft./unit 80 ft. 25 ft./unit 100 ft. 75 ft.		25 ft. 25 ft. 25 ft. 25 ft. 25 ft. 35 ft.	7.5 ft. 7.5 ft. 7.5 ft. 7.5 ft. 7.5 ft. 5 ft.	15 ft. 15 ft. 15 ft. 15 ft. 15 ft. 15 ft.	25 ft. 25 ft. 25 ft. 25 ft. 25 ft. 8 ft.	2½ 2½ 2½ 2½ 3 3 1½	35 ft. 35 ft. 35 ft. 35 ft. 45 ft. 45 ft. 17 ft.
DC: Downtown Com. Dist. Residential Uses ²					15 ft. *		25 ft**	2½	35 ft.
BG: General Business Dist.					15 ft. *		25 ft**	2½	35 ft.
BH: Highway Business Dist.				75 ft.	15 ft. *	15 ft.	25 ft**	2½	35 ft.
BP: Business Park	10,000 s.f.			25 ft.	10 ft.		25 ft.		45 ft.
LI: Light Industrial	10,000 s.f.			25 ft.	*	25 ft.	25 ft.		45 ft.

Notes:

¹Primary Zoning Requirements shall apply as well

* No side yard will be required except when the lot abuts a lot in a residential district

²Requirements for R30 General Residential District shall apply

**No rear yard is required except when there is no dedicated alley abutting the rear lot line

***Agricultural uses are exempt from maximum height requirements

³Front yard setback requirements may be increased if located in corridor protection areas

ARTICLE 6: CONDITIONAL USE PERMITS**Section 6.01 General Provisions**

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

Allowable uses may be permitted, enlarged, or altered upon application for a conditional use permit in accordance with the rules and procedures of this ordinance. The Council may grant or deny a conditional use permit in accordance with the intent and purpose of this ordinance. In granting a conditional use permit, the Council will authorize the issuance of a conditional use permit and shall prescribe and impose appropriate conditions, safeguards, and a specified time limit for the performance of the conditional use permit.

Section 6.02 Application for Conditional Use Permits

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

Section 6.03 Planning Commission Public Hearing

Before any proposal for a conditional use permit is considered by the City Council, the Planning Commission shall conduct a public hearing after prior notice of the time, place, and purpose of the hearing has been given by publication in a legal paper of general circulation in the City of Springfield, one time at least 10 days prior to such hearing.

Section 6.04 City Council Public Hearing

Before issuance of any conditional use permit, the Council will consider the application for the conditional use permit together with the recommendations of the Planning Commission at a public hearing after prior notice of the time, place, and purpose of the hearing has been given by publication in a legal paper of general circulation in the City of Springfield, one time at least 10 days prior to such hearing.

Section 6.05 Decisions

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

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

Section 6.06 Standards

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

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

ARTICLE 7: SIGN REGULATIONS

Section 7.01 Purpose and Applicability

A. Purpose

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

B. Applicability

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

C. Definitions and Interpretation

Words and phrases used in this ordinance shall have the meanings set forth herein and in Article 2. Principles for computing sign area and sign height are contained in Section 7.01.04.

ABANDONED SIGN shall mean a sign which no longer identifies or advertises a business, lessor, service, owner, product, or activity on the parcel where the sign is located or a sign for which no legal owner can be found.

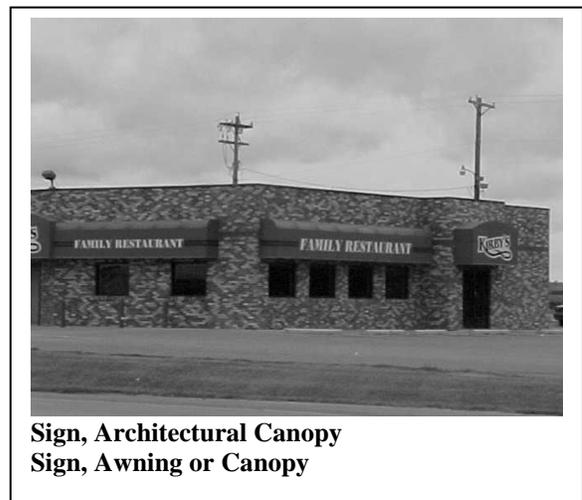
AERIAL SIGN shall mean a balloon or other airborne flotation or inflatable device which sits on a surface or is tethered to the ground or to a building that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered, regardless of whether it does or does not contain text or advertising copy.

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

ANIMATED SIGN shall mean any sign that uses movement or change of lighting to depict action or create a special effect or scene. An animated sign does not include time and temperature, or message center signs.

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

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



**Sign, Architectural Canopy
Sign, Awning or Canopy**

AUDIBLE SIGN shall mean any sign that conveys either a written message supported by an audible noise including music, spoken message, and / or sounds to attract attention to the sign. Audible signs also include signs conveying only the audible noise including music, spoken message, and/or sounds to attract attention.

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



Sign, Banner

BACK-LIT SIGN shall mean a sign whose light source is located behind fully opaque letters and/or graphics in the interior of the sign so that the rays go through the face of the sign.

BALLOON SIGN shall mean one or more balloons used as a permanent or temporary sign or as a means of directing attention to any business or profession, or to a commodity or service sold, offered, or manufactured, or to any entertainment.

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

BANNER (COMMERCIAL) SIGN shall mean an advertising sign of non-rigid material mounted on a building or structural frame.

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

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

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

CENTER IDENTIFICATION SIGN shall mean any sign erected to provide direction to a development including multiple uses and / or structures within the development. Center Identification signs shall include the name of said development and may include, when permitted, the names of major tenants of the development. Center Identification Signs shall typically be similar to Ground (Monument) signs.



Sign, Billboard

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

is an electronic or mechanical indication of time or temperature shall be considered a “time and temperature” portion of a sign and not a changeable copy sign for purposes of this ordinance.

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

COMMEMORATIVE SIGN shall mean a permanent sign indicating the name of a structure or site, its address, or other information of commemorative or historical significance.

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

CONDITIONAL USE SIGN shall mean a sign type requiring approval by the Planning Commission and City Council as a conditional use permit.

CONSTRUCTION SIGN shall mean a temporary sign identifying an architect, engineer, contractor, subcontractor, and/or building material supplier who participates in construction on the property on which the sign is located.

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

DIGITAL SIGN shall mean a sign which displays an advertisement or message which is generated electronically and commonly utilizes computerized or electronic digital technology, including but not limited to digital display boards, electronic variable message signs and light emitting diode (LED) signs. (See also “Animated Sign”).

DIRECT LIGHTING shall mean illumination by means of an external source.

DIRECTIONAL/INFORMATIONAL SIGN shall mean an on-premise sign which provides direction for the safe and efficient flow of vehicular or pedestrian traffic to an activity on the premise. Directional/Informational signs shall include signs marking entrances, exits, parking areas, loading areas or other operational features of the premise.

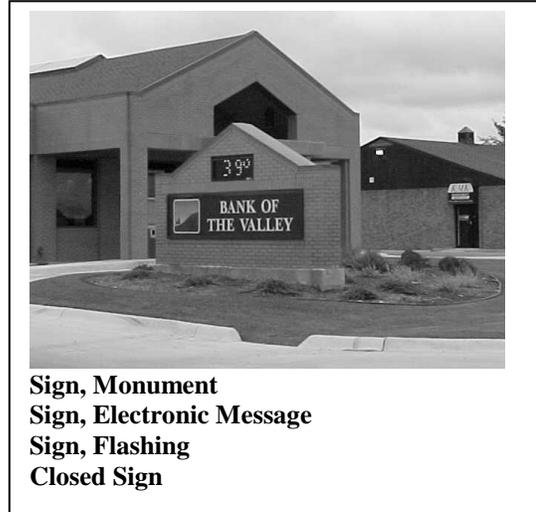
DIRECTORY SIGN shall mean an on-premise sign identifying an activity, operational feature, or business name upon such premise. Directory signs shall include building names, offices, or activities in same size letters, colors and general design and shall be limited to one sign per street entrance.

DISCONTINUED SIGN (See “Sign, Abandoned”)

DOUBLE-FACED SIGN shall mean a sign constructed to display its message on the outer surfaces of two identical and opposite parallel planes. This does not include “V-type signs”.

DWELL TIME shall mean the duration or interval of time during which each individual advertisement or message is displayed on any sign which is capable of sequentially displaying more than one advertisement or message on its display surface.

ELECTRONIC MESSAGE SIGN shall mean a sign that uses changing lights to form a sign message or messages wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes. (See also “Animated Sign”).



**Sign, Monument
Sign, Electronic Message
Sign, Flashing
Closed Sign**

EXTERNALLY ILLUMINATED SIGN shall mean a sign whose illumination is derived entirely from an external source.

FACADE shall mean the entire building front, including the parapet.

FENCE SIGN shall mean a sign attached to or painted on a fence.

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

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

FRONTAGE shall mean the length of the property line of any one premises along a public right of way on which it borders. A building or building complex which lacks frontage on a public right of way or buildings located on a private street have "internal frontage".

GAS STATION PRICE SIGN shall mean a changeable copy or electronic sign advertising fuel prices.



**Sign, Ground Monument
Sign, Changeable Copy**

GOVERNMENT SIGN shall mean any temporary or permanent sign erected and maintained by the City, County, State, or Federal government, or in conjunction with the City, for public information, traffic control or for designation of or direction to any school, hospital, historic site, or public service, property, or facility.

GROUND MONUMENT SIGN shall mean a sign mounted directly to the ground.

HAZARDOUS SIGN shall mean a sign that by reason of design, inadequate maintenance, dilapidation, or obsolescence, or placement creates a hazard to the public health, safety and welfare.

HOLIDAY DECORATION SIGN shall mean a temporary sign, in the nature of decorations, clearly customary and commonly associated with federal, state, local, or religious holidays and contains no commercial message.

IDENTIFICATION SIGN shall mean a sign giving the nature, logo, trademark, or other identifying symbol; address; or any combination of the name, symbol, and address of a building, business, development, or establishment on the premises where it is located.

ILLEGAL SIGN shall mean any of the following: (1) a sign erected without first obtaining a permit and complying with all regulations in effect at the time of its construction or use; (2) a sign that was legally erected but whose use has ceased because the business it identifies is no longer conducted on the premises; (3) a nonconforming sign for which the amortization period has expired; (4) a sign that was legally erected but which later became nonconforming and then was damaged to the extent of 50 percent or more of its current replacement value; (5) a sign that is a danger to the public or is unsafe; (6) an abandoned or obsolete sign; or (7) a sign that pertains to a specific event that has not been removed within 48 hours after the occurrence of the event.

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

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

lot on which the sign is located shall be considered incidental. Incidental signs may be either attached or painted on the wall.

INDIRECTLY ILLUMINATED SIGN shall mean illumination of a sign that is affected by a source of light not contained within the sign itself.

INFLATABLE SIGN shall mean any sign designed or constructed with the ability to be mechanically filled with air or gas that displays a commercial message or an identifiable corporate character or logo.

INTERNAL SIGN shall mean a sign that is not visible or not intended to be viewed from outside the building.

INTERNALLY ILLUMINATED SIGN shall mean a sign that is illuminated by means of a light source in the interior of the sign so that light passes through the face of the sign.

KIOSK SIGN shall mean a freestanding bulletin board or information sign structure having more than two sides that is meant to provide announcements or direction to the public.

LOGO SIGN shall mean signs owned and operated by an agent for the Nebraska Department of Roads. The signs are located in the right-of-way on interstate or primary highways. The signs are designed to accommodate businesses that furnish gas, food, lodging, or camping and meet any criteria established by the Nebraska Department of Roads.

MAINTENANCE shall mean the cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.

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

MENU-BOARD SIGN shall mean a permanently mounted sign displaying the bill of fare for a drive-through restaurant.

MOBILE/VEHICLE SIGN shall mean a sign mounted on a motor vehicle, or trailer, or other framework, not permanently attached to a pole, building or other structure.

MONUMENT SIGN shall mean a sign mounted directly to the ground with a maximum height not to exceed 10 feet.

MOVING SIGN shall mean any sign which in part or in total rotates, revolves, or otherwise is in motion.

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

NEON SIGN shall mean a sign containing glass tube lighting in which a gas and phosphors are used in combination to create a colored light.

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

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

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

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

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

OUTDOOR ADVERTISING shall include the definitions of "Advertising Structure" and "Sign".

PAINTED WALL SIGN shall mean a sign applied to a building wall with paint or similar substances on the face of a wall and which has no sign structure. A "Painted Wall Sign" is considered to be a wall mounted sign for calculation purposes.

PARAPET SIGN shall mean a sign attached to that portion of a building's exterior wall that projects above the plate line of a building.

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

PERMANENT SIGN shall mean a sign attached to a building, structure, or the ground in some manner that requires a permit and which is made of materials intended for long-term use.

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

POLITICAL SIGN shall mean a sign identifying and urging voter support for a particular election issue, political party, or candidate for public office.

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

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

PUBLIC/TRAFFIC INFORMATION SIGN shall mean a sign, usually erected and maintained by a public agency that provides the public with information and in no way relates to a commercial activity. Such signs include but are not limited to, speed limit signs, stop signs, city limit signs, welcome signs, street name signs, vehicle identification signs, pedestrian wayfinding signs, and destination and directional signs.

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

ROOF LINE shall mean the top edge of the roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys, or minor projections.

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



**Projecting Sign
Open Sign**

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

ROTATING SIGN shall mean a sign which in its entirety or in part moves in a revolving or similar manner. Such motion does not include methods of changing copy.

SANDWICH BOARD SIGN shall mean an advertising or business ground sign constructed in such a manner as to form an "A" or a tent-like shape, hinged or not hinged at the top; each angular face held at an appropriate distance by a supporting member.

SEARCHLIGHT SIGN shall mean a searchlight that is used to announce, direct attention to, or advertise businesses.

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

1. Signs less than 50 square feet in area and less than 25 feet in height of a public or quasi-public nature or other official notices that are authorized by the State of Nebraska, City of Springfield, or a Federal Government Agency, directional, informational, or other official signs or notices authorized by law.

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

SIGN BASE shall mean any structural element extending upward from grade to the base of the sign.

SIGN COPY shall mean any combination of letters or numbers which are intended to inform, direct or otherwise transmit information.

SIGN COPY AREA shall mean the area of the sign occupied by sign copy. It is computed by measuring the area enclosed by straight lines drawn to enclose the extremities of the letters or numbers.

SIGN FACE shall mean the area or display surface used for the sign copy or message.

SIGN GROSS AREA shall mean the entire area within a single continuous perimeter enclosing the extreme limits of a sign. However, this perimeter shall not include any structural elements lying outside of the limits of the sign and not forming an integral part of the display.

SIGN HEIGHT shall mean the vertical distance measured from the highest point of the sign, excluding embellishments of not more than five feet in height above the sign, to the average ground grade beneath the sign.

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

SIGN STACKING shall mean the placing of one sign above another at the same location.

SIGN STRUCTURE shall mean the base, supports, uprights, bracing, or framework of any structure exhibiting a sign, be it single-faced, double-faced, or V-type or otherwise.

SIGN SURFACE shall mean the entire area of a sign.

SIGNAGE PLAN shall mean a scaled or dimensioned graphic representation showing a comprehensive detailed presentation of all signage proposed for a particular lot.

SNIFE SIGN shall mean an off-premises sign that is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or to other objects.

SPECIAL EVENT SIGN shall mean a sign advertising display that is temporary in nature, is not permanently attached to the ground, building or sign structure surface, and is used for special events, such as, but not limited to, grand openings, seasonal sales, liquidations, going-out-of-business sales, fire sales, and promotions.

STATIC DWELL TIME (see Dwell Time)

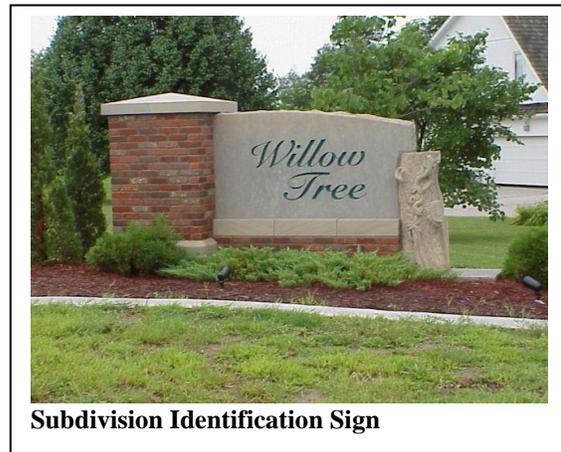
STATIC MESSAGE shall mean an advertisement or message which, when displayed contains no motion, flashing, changeable copy, running lights, variations in brightness, or animation.

SUBDIVISION IDENTIFICATION SIGN shall mean a sign that is permanently constructed at the entrance(s) of the subdivision and identifies a recognized subdivision, condominium complex, or residential development, and includes the name of the subdivision in the form of attached letters or sign. The subdivision entrance sign may include specific types of landscaping such as water, stone, brick, etc.

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

TEMPORARY PORTABLE SIGN shall mean a movable reusable sign structure made of durable material, mounted on wheels and towed or on a rigid frame and trucked, which is regularly and periodically moved from parcel to parcel.

TEMPORARY SIGN shall mean a sign constructed of cloth, fabric, or other material with or without a structural frame intended for a limited period of display, including displays for holidays or public demonstrations. Temporary signs shall include portable signs as defined in this section. Examples are: menu and sandwich board signs, inflatable signs, balloons used as signs, umbrellas used for advertising, and signs attached to or painted on vehicles or trailers parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations (deliveries and transportation of personnel) of the business. This definition also includes any and all sandwich boards supported by human beings or animals.



Subdivision Identification Sign

TETHERED SIGN shall mean a sign which is anchored by a rope, wire, chain or similar method.

TIME AND TEMPERATURE SIGN shall mean an electrically controlled sign which contains only public service, time, temperature, and/or date information.

TRANSITION TIME shall mean the duration or interval of time between which each individual advertisement or message is displayed on any sign which is capable of sequentially displaying more than one advertisement or message on its display surface.

TOURIST ORIENTED DIRECTIONAL SIGN shall mean a sign owned and operated by a contracted agent of the Nebraska Department of Roads and located in the right-of-way on rural highways and cannot be erected on the interstate or interchanges on expressways. These signs shall meet all applicable criteria established by the Nebraska Department of Roads.

VIDEO SIGN shall mean any on-premises or off-premises sign that conveys either a commercial or non-commercial message, including a business or organization name, through means of a television or other video screen. (See also “Animated Sign”).

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

WARNING SIGN shall mean a sign located on a property posting such property for warning or prohibitions on parking, trespassing, hunting, fishing, swimming, or other activity.

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



Sign, Wall

Illustrative Definitions

 <p>Animated Sign</p>	 <p>Announcement Sign</p>	 <p>Awning Sign</p>	 <p>Balloon Sign</p>
 <p>Banner/Flag Sign</p>	 <p>Banner Sign (Commercial)</p>	 <p>Building Marker Sign</p>	 <p>Canopy Sign</p>
 <p>Center Identification Sign</p>	 <p>Changeable Copy Sign</p>	 <p>Commemorative Sign</p>	 <p>Construction Sign</p>
 <p>Destination Sign</p>	 <p>Directional / Informational Sign</p>	 <p>Directory Sign</p>	 <p>Double-faced Sign</p>

 <p>Electronic Message Sign</p>	 <p>Freestanding Sign</p>	 <p>Gas Station Price Sign</p>	 <p>Identification Sign</p>
 <p>Ground Monument Sign</p>	 <p>Incidental Sign</p>	 <p>Inflatable Sign</p>	 <p>Kiosk Sign</p>
 <p>Marquee Sign</p>	 <p>Menu-Board Sign</p>	 <p>Billboard Sign</p>	 <p>Painted Ghost Wall Sign</p>
 <p>Painted Wall Sign</p>	 <p>Parapet Sign</p>	 <p>Pennant Sign</p>	 <p>Pole Sign</p>
 <p>Political Sign</p>	 <p>Projecting Sign</p>	 <p>Public/Traffic Information Sign</p>	 <p>Real Estate Sign</p>

 <p>Roof Sign</p>	 <p>Roof (integrated) Sign</p>	 <p>Sandwich Board Sign</p>	 <p>Sign, Digital</p>
 <p>Sign Stacking</p>	 <p>Subdivision Identification Sign</p>	 <p>Suspended Sign</p>	 <p>Wall Sign</p>
 <p>Warning Sign</p>	 <p>Window Sign</p>		

Section 7.02 Design Criteria and Limitations**A. General Sign and Street Graphics Regulations****1. *Compliance***

Each sign or part of a sign erected within the zoning jurisdiction of the City of Springfield must comply with the provisions of this Article and of other relevant provisions of the City of Springfield's Municipal Code; and relevant building codes including the Rules and Regulations Relating to the Control of Advertising in Areas Adjacent to the Interstate and Federal Aid Primary Highways (Nebraska Department of Roads).

2. *Resolution of Conflicting Regulations*

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

3. *Prohibited Signs*

The following signs are prohibited in all zoning districts:

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

4. *Exempt Signs*

The following signs are permitted in any zoning district and are exempt from other provisions of these regulations:

- a. Bulletin boards for religious assembly or school uses, provided that they have a maximum sign area of 20 square feet and are not located in a required sign setback.
- b. Real estate signs.
- c. Official signs authorized by a government or governmental subdivision which give traffic, directional, or warning information.
- d. Seasonal decorations for display on private or public property.
- e. On-premise construction signs.

- f. One temporary sign per zoned lot for grand openings or special events, provided that such sign remains in place for a maximum of seven days.
 - g. Works of graphic art painted or applied to building walls which contain no advertising or business identification messages.
 - h. Residential signs under 2 square feet in size.
 - i. Neighborhood or subdivision identification signs under 50 square feet.
 - j. Street numbers.
 - k. Signs which are not visible from a public right-of-way, private way, or court or from a property other than that on which the sign is installed.
5. *Temporary and Civic Signs*
- a. Temporary or portable signs for grand openings, sales, and special events are permitted in Commercial and Industrial zoning districts, subject to the following requirements:
 - i. Such signs are subject to the permit procedures set forth in this section.
 - ii. The size of such signs does not exceed the limitations set forth in Table 1-C.
 - iii. No more than one such sign is permitted at any single premises.
 - iv. Temporary or portable signs may be present at any single premises for a maximum of 30 days per year.
 - b. Temporary signs for non-profit civic campaigns or events, political campaigns, or other non-commercial events are permitted in any zoning district and are exempt from other provisions of this Article, subject to the following requirements:
 - i. Such signs are subject to the permit procedures set forth in this section.
 - ii. Such signs are installed no earlier than 30 days before the date of the event or election and removed no later than 7 days after the date of the event or election.
 - iii. The maximum size of such signs is 10 square feet when located in any residential zoning district; and 100 square feet in any other zoning district.
6. *Bufferyards*
No sign other than on-premise directional signs shall be placed within any required bufferyard, except when the bufferyard is adjacent to a street.
7. *Vision-Clearance Area*
The provisions of Section 4.09 shall be met and no sign may project into or be placed within a vision-clearance area defined by a triangle with legs of forty feet from the point at which the curbs or edges of two private ways or courts or an intersecting street, private way, or court and driveway, meet.

B. General Regulations: Basic Design Elements for On-premise Signs

- 1. *Wall Signs and Graphics*
Wall signs and graphics are subject to the following general regulations:
 - a. A wall sign shall not extend more than 30 inches from the wall to which it is attached.
 - b. A wall sign must be parallel to the wall to which it is attached.

- c. A wall sign may not extend beyond the corner of the wall to which it is attached, except where attached to another wall sign, it may extend to provide for the attachment.
 - d. A wall sign may not extend beyond its building's roof line.
 - e. A wall sign attached to a building on its front property line may encroach upon public right-of-way by no more than 18 inches. Such a wall sign shall provide minimum clearance of eight feet, six inches.
 - f. For the purpose of calculating permitted sign areas pursuant to these regulations, signs painted on the walls of buildings shall be considered wall signs.
 - g. Where permitted, canopy signs are counted as wall signs when calculating total permitted sign area.
2. *Projecting Signs and Graphics*
Projecting signs and graphics are subject to the following general regulations:
- a. The maximum projection of any projecting sign in the DC District shall be as follows:
 - i. 4 feet over public sidewalks less than 12 feet wide;
 - ii. 6 feet over public sidewalks 12 feet wide or more, or over private property.

*No projecting sign in any other district may project by more than 24 inches into a required setback.
 - b. A projecting sign may be no closer than two feet from the vertical plane of the inside curb line.
 - c. Each projecting sign must maintain at least the following vertical clearances:
 - i. 8 feet, 6 inches over sidewalks; except that a canopy may reduce its vertical clearance to 7 feet, 6 inches;
 - ii. 10 feet outside of parking areas or driveways, but within three feet of such areas; or within 50 feet of the right-of-way lines formed by a street intersection;
 - iii. 14 feet over parking lots;
 - iv. 18 feet over alleys or driveways.
 - d. No projecting sign extending three feet or more from a property line may be located within 22 feet of any other projecting sign extending three feet or more from a property line.
 - e. Projecting signs must minimize visible support structure and may not expose guy wires, cables, turnbuckles, angle iron, or other similar external support structure.
3. *Pole Signs*
Pole signs, where permitted, are subject to the following general regulations:
- a. Each pole sign must maintain at least the following vertical clearances:
 - i. 8 feet, 6 inches over sidewalks;

- ii. 10 feet outside of parking areas or driveways, but within three feet of such areas; or within 50 feet of the right-of-way lines formed by a street intersection.
 - iii. 14 feet over parking lots;
 - iv. 18 feet over alleys or driveways.
 - b. Permitted pole signs may revolve at a rate not to exceed six revolutions per minute.
- 4. *Roof Signs*
Roof signs are subject to the following regulations:
 - a. Where permitted, integral roof signs may be used interchangeably with wall signs.
 - b. Integral roof signs may not exceed the permitted height for pole signs.
 - c. An integral roof sign must be mounted parallel to the wall of the building that it faces.

C. General Regulations: Other Design Elements

- 1. *Illumination*
 - a. Lighting, when installed, must be positioned in such a manner that light is not directed onto an adjoining property or onto a public street or highway.
- 2. *Marquees and Marquee Signs*
 - a. Signs placed on, attached to, or constructed on a marquee are subject to the maximum projection and clearance regulations of projecting signs.
- 3. *Banners*
 - a. A banner sign projecting from a building may not exceed the wall height of the building.
 - b. Maximum projection for any banner is five feet with a minimum clearance of ten feet.
 - c. Maximum size of a banner is the lesser of twice the permitted size of a projecting sign or 120 square feet.
- 4. *Clocks*
For the purposes of this section, clocks are not considered a moving sign.

D. Method of Measurement for Regulators

- 1. *Maximum Permitted Sign Area*
Maximum permitted sign area for a premises is set forth as a numerical limit or as a function of the frontage of the premises on a street or private way. For properties with frontage on more than one street or private way, the total frontage shall be calculated as the longest frontage plus one-half the length of all additional frontages.
- 2. *Sign Area*
 - a. Sign area includes the entire area within the perimeter enclosing the extreme limits of the sign, excluding any structure essential for support or service of the sign, or architectural elements of the building.
 - b. The area of double-faced signs is calculated on the largest face only.
 - c. The sign area for ground signs, monument signs, and architectural sign bands is calculated as the area enclosing the extreme limits of the copy only.

- d. In the case of individual letters mounted to a wall, only the total area of the letters themselves is included within the sign area.
3. *Height*
The height of a sign is measured from the average grade level below the sign to the topmost point of the sign or sign structure.
4. *Setback*
The setback of a sign is measured from the property line to the supporting frame, mast, pole or base of the sign.
- E. Permitted Sign Types by Zoning Districts**
- Table 1-A sets forth the sign types permitted within each zoning district of the City of Springfield.
- F. Auxiliary Design Elements**
- Table 1-B sets forth auxiliary design elements permitted within each zoning district of the City of Springfield.
- G. Maximum Permitted Sign Area**
- Table 1-C sets forth the maximum sign area permitted within each zoning district of the City of Springfield.
- H. Permitted Signs by Numbers, Dimensions, and Location**
- Table 1-D sets forth the maximum permitted numbers of signs per premise; the maximum permitted dimensions of each sign; and the required setbacks for detached signs.
- I. General Permit Procedures**
1. *Applicability*
Any installation, modification, or expansion of any sign that is not exempt from the provisions of this Article shall be subject to the following permit procedure prior to installation.
2. *Maintenance of Valid Sign Permit*
The owner of a property containing signs requiring a permit under this ordinance shall at all times maintain in force a sign permit for such property. Sign permits shall be issued for individual zoned lots. A sign permit may be revoked if the sign is not maintained in good condition.
3. *Sign Permit Applications*
All applications for sign permits shall be submitted to the city in accordance with application specifications established by the city.
4. *Application Fees*
Each application for a sign permit shall be accompanied by any applicable fees, which shall be established by the City Council from time to time by resolution.
5. *Action*
Within ten working days of the submission of a complete application for a sign permit, the Building Inspector shall either:
- a. Issue the sign permit, if the sign conforms to the provisions of this Article.
- b. Reject the sign permit if the sign(s) that is the subject of the application fails in any way to conform with the requirements of this Article.

6. *Permit Expiration*
If a sign is not constructed in accordance with an approved permit within six months of the date of approval, such permit shall lapse.
7. *Assignment of Sign Permits*
A current and valid sign permit shall be freely assignable to a successor as owner of the property or holder of a business license for the same premises.

J. Nonconforming Signs

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

K. Discontinuance of Nonconforming Signs

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

Table 1-A: Permitted Signs by Type and Zoning Districts

Sign Types	AR	R100	R92 R87	R50 R30	M	BG	DC	BH MU	BP	LI	RT	RB
Detached Signs												
Residential	P	P	P	P	P	N	N	P	N	N	P	P
Premise Identification	P	P(C)	P(C)	P	P	P	P	P	P	P	P	P
Incidental	P(C)	P(C)	P(C)	P(C)	P(C)	P	P	P	P	P	P(C)	P
Ground	P	P	P	P	P	P	P	P	P	P	P	P
Pole	N	N	N	N	N	P	N	P	P	P	N	S
Attached Signs												
Awning	N	S	S	P	P	P	P	P	P	P	P	P
Banner	N	N	N	N	N	P	P	P	P	P	N	P
Building Marker	P	P	P	P	P	P	P	P	P	P	P	P
Canopy	N	N	N	N	N	P	P	P	P	P	P	S
Premise Identification	P	P(C)	P(C)	P(C)	P	P	P	P	P	P	P	P
Incidental	P(C)	P(C)	P(C)	P(C)	P	P	P	P	P	P	P(C)	P
Marquee	N	N	N	N	N	P	P	P	P	P	N	P
Projecting	N	N	N	N	N	P	P	P	P	P	N	P
Roof, Integral	N	N	N	N	N	N	N	P	P	P	N	N
Roof, Above Peak	N	N	N	N	N	N	N	N	N	P	N	N
Wall	P	P	P	P	P	P	P	P	P	P	P	P
Window	N	N	N	N	N	N	P	P	P	P	N	P
Miscellaneous												
Flag	P	P	P	P	P	P	P	P	P	P	P	P
Portable	N	N	N	N	N	N	N	N	N	N	N	N

P: Permitted for All Uses, **P(C):** Permitted for Civic Use, **S:** Permitted by Special Use Permit, **N:** Not Permitted

Table 1-B: Permitted Signs by Auxiliary Design Elements and Zoning Districts

Sign Types	AR	R100	R92 R87	R50 R30	M	BG	DC RB	BH MU	BP	LI	RT
Design Element											
Illumination											
Indirect	S(C)	S(C)	S(C)	S(C)	P(C)	P(C)	P	P	P	P	P
Direct	N	N	N	N	N	N	N	N	N	N	N
Internal	S(C)	S(C)	S(C)	S(C)	P	P(C)	P	P	P	P	P(C)
Neon	N	N	N	N	N	N	P	P	P	P	S
Flashing	N	N	N	N	N	N	N	N	N	N	N
Flame	N	N	N	N	N	N	N	N	N	N	N
Bare Bulb	N	N	N	N	N	N	N	N	N	N	N
Other											
Electronic Information	N	N	N	N	N	N	P	P	P	P	N
Moving	N	N	N	N	N	N	N	N	N	N	S
Rotating	N	N	N	N	N	N	N	N	N	N	S

P: Permitted for All Uses, **P(C):** Permitted for Civic Use, **S:** Permitted by Special Use Permit, **N:** Not Permitted, **S(C):** Permitted by Special Use Permit for Civic Uses

Table 1-C: Permitted Signs by Maximum Permitted Sign Area and Zoning Districts

This Maximum Permitted Area for all signs on a premises excluding incidental signs, building marker signs, and flags shall not exceed the lesser of the following:

Zoning District	AR	R100 R92 R87 M	R50 R30	BG RB	DC	BH MU	LI BP	RT
Square Feet of Signage per Linear Foot of Frontage	NA	NA	NA	1.0	1.50	1.5	2.0	NA
Maximum Total Square Feet	Note 1	Note 2	Note 2	300 Note 3	300 Note 4	400 Note 4	400 Note 4	Note 5

Note 1:

100 square feet for civic or commercial use OR 2 square feet for residential uses including home occupations.

Note 2:

48 square feet for project identification signs for multi-family or mobile home developments and for non-residential uses when permitted; 32 square feet for civic uses, 2 square feet for residential uses, including home occupations.

Note 3:

Maximum limits apply to non-residential premises only. On premises with primary residential use, 75 square feet for project identification signs for multi-family developments, 2 square feet for residential uses, including home occupations.

Note 4:

One additional Business Center Identification Sign with a maximum area of 150 square feet is permitted subject to the regulations set forth by Table 1-C.

Note 5:

100 square feet for civic or commercial uses including home occupations OR one Business Center Identification Sign with a maximum area of 150 square feet.

Table 1-D: Permitted Signs by Numbers, Dimensions, Location, and Zoning Districts

Each individual sign shall comply with the regulations for maximum quantity, maximum size, minimum setbacks, and height limits shown in this table:

Zoning District	AR	R100 R92 R87 M	R50 R30	BG RB	DC	BH MU	LI BP	RT
Detached Signs								
Number Permitted Per Premise	1	1	1	1	1	NA	NA	1
Per Feet of Frontage	NA	NA	NA	NA	NA	1 per 200	1 per 200	NA
Maximum Size* (sq. ft.)	100*	x	x	100	100	100	150	100
Maximum Height (feet) of Structure Above Ground	20	10	10	15	20	20	20	20
Front Yard Setback (feet)	10	5	10	10	0	0	0	5
Side Yard Setback (feet)	10	10	10	10	0	5	0	10
Attached Signs								
Maximum Size* (sq. ft.)	100	x	x	100	150	150	200	x
% of Street Facade	NA	NA	NA	20%	20%	20%	25%	NA
Business Center Identification Sign	NA	NA	NA	Note 1	Note 1	Note 1	Note 1	Note 1

*See Table 1-C for maximum sign sizes.

Note 1:

In addition to its total permitted sign area, each premises used for a business center may have one detached Business Center Identification sign, subject to the following conditions:

1. The maximum area for a Business Center Identification sign shall be 150 square feet.
2. No Business Center Identification sign shall be within 300 feet of any other center identification sign or within 150 feet of any other detached sign on the same or adjacent premises.
3. Each sign shall be subject to all other regulations for detached signs or graphics set forth in this Article.

ARTICLE 8 SUPPLEMENTAL REGULATIONS

Section 8.01 Off-Street Automobile Storage

- 8.01.01 Off-street automobile storage or standing space shall be provided on any lot on which any of the following uses are hereafter established; such space shall be provided with vehicular access to a street or an alley. For purposes of computing the number of parking spaces available in a given area, the ratio of 250 square feet per parking space shall be used.
- 8.01.02 If vehicle storage space or standing space required in Section 8.01.01 cannot be reasonably provided on the same lot on which the principal use is conducted in the opinion of the Building Inspector, the Building Inspector may permit such space to be provided on other off-street property, provided such space lies within 400 feet of an entrance to such principal use. Such vehicle standing space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.
- 8.01.03 All parking spaces for Single-family, Rooming houses, convalescent homes, Apartments, Townhouses, and two or more unit multi-family dwellings, and Mobile Homes shall be paved with asphalt or concrete.
- 8.01.04 Where calculations in accordance with the foregoing list results in requiring a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space.
- 8.01.05 In Districts R-100 through R-30 and RB, required off-street parking shall be provided on the same lot that the use is located on. In other Districts, such parking may be provided either on the same lot, or an adjacent or other lot, provided the lot on which the use requiring them is located is not separated by more than 300 feet at closest points, measured along a street or streets.
- 8.01.06 Where off-street parking is located on a lot other than the lot occupied by the use, which requires it, site plan approval for both lots is required.
- 8.01.07 Some uses may require two different use types to be calculated together in order to determine the total parking requirement (Example: Primary schools may require a tabulation for classrooms and assembly areas)
- 8.01.08 Commercial establishments providing drive-in or drive-through services shall provide minimum on-site stacking distances as provided below:

TYPES OF OPERATION		MINIMUM STACKING SPACE
Financial Institution – Electronic Teller		Two vehicles per lane*
Financial Institution – Personal Teller		Three vehicles per window or kiosk*
Car Wash – Self Service		Two vehicles per bay at entrance*
		One vehicle per bay at exit
Car Wash – Automatic / Conveyor		200 feet per bay at entrance*
		One vehicle per bay at exit
Drive-through Restaurant		Four vehicles per window*
Coffee Kiosk		
-	Drive side service	Four vehicles per lane*
-	Passenger side service	Two vehicles per lane*
Drive-through Pharmacy		Two vehicles per lane*
Service Stations		
-	Service Islands	Two vehicles per pump lane*
-	Service bay	One vehicle per bay*
-	Quick lube / Oil change “starting gate design”	Two vehicles per bay*
-	(4 or more pump islands side by side, 18 feet apart	One vehicle per lane*
Gated parking lot entrance		One vehicle per gate
Garage Unit or Overhead door	(Major streets only)	One vehicle per door
Other uses		Two vehicles per lane being serviced

* Stacking requirements are in addition to vehicle being served.

Required vehicle stacking shall not block driveways or required parking stalls and shall not be located in side, front, or rear yards where parking stalls are prohibited. Each vehicle stacking unit shall be 22 feet long.

Required stacking may be reduced by approval of the City Council following site plan review by the Planning Commission. Site plan review must demonstrate that circulation and loading patterns accommodate adequate space for queuing and temporary parking by users during peak hours of operation.

8.01.09 Requirements for types of buildings and uses not specifically listed herein shall be determined by the Zoning Administrator, after receiving a report and recommendation from the Zoning Administrator, based upon comparable uses listed.

Section 8.02 Storage or parking of vehicles, boats, campers and trailers

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

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

1. The storage of unlicensed and/or unregistered motor vehicles in a fully enclosed garage.
2. The storage or keeping of operable off-highway farm or industrial vehicles on tracts zoned AR and RT, or LI District and used in agricultural or industrial activity conducted on said premises.
3. The storage of not more than one passenger type motor vehicle in good operable condition (owner shall be required, upon request, to provide proof of operability) and located on a hard surfaced driveway.

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

8.02.03 Parking, storage, or keeping, other than in a fully enclosed garage, of any non-operable motor vehicle on any lot zoned residential, provided, however, that automobiles that are non-operable solely by reasons of repair work being done thereon may be parked on residential lots within the Springfield zoning jurisdiction occupied by the owner of said automobile, under the following conditions:

1. The automobile is owned by the occupier of the premises and registered to him/her at that address.
2. The period of said repair work does not exceed 10 days in duration;
3. Said repair work is at all times conducted on a hard surface driveway; and
4. No more than one automobile in need of repair is situated on the premises at the same time.

Before the City removes a vehicle suspected of violation hereof by reason of it being inoperable the City shall give the owner of the premises upon which the offending vehicle is situated a 72 hour warning notice which may be given by either tagging the motor vehicle or by sending notice by regular mail, postage prepaid, to the occupier of the premises upon which the motor vehicle is situated. Any motor vehicle not removed from the premises within such 72 hour period shall be presumed to be inoperable and may thereafter be removed by the City. If he chooses, the owner may demonstrate operability of the vehicle by making special arrangements with the designated law enforcement agency to demonstrate within said 72 hour period. The operability of the vehicle and, if such operability is satisfactorily demonstrated, the automobile need not be removed.

8.02.04 No motor vehicle as defined by section 60-301 of Nebraska State Statutes (or boat, camper or trailer in excess of 15 feet in length or 10 feet in height) shall be parked in the front, side or rear yard of any lot zoned residential except on paved driveways or other hard surfaced areas as designed and provided for in Article 2; provided that;

Boats, campers, trailers or any combination thereof not exceeding two may be parked in the side or rear yard of lots zoned residential from October through April of each year provided they are parked on a hard surface. A camper or boat situated on a trailer shall be considered as one vehicle.

Said boats, campers and trailers together with accessory structures shall not occupy more than thirty-five percent of the required rear yard.

Notwithstanding the foregoing, it shall be permissible to park motor vehicles in the yards of residential lots on areas which are paved as driveways or otherwise hard surfaced for a period not to exceed 72 hours, when on-street parking is illegal.

There shall be no more than two vehicles displayed for private sale at any time on any residential lot. The display of vehicles for sale both commercially and privately within any other district shall require the appropriate permits.

Any motor vehicle, boat, camper or trailer parked, stored or kept in violation of the provisions hereof may be removed by the City. All towing, storage and other costs of removal pursuant to this section shall be solely at the expense of the owner of the premises from which the vehicle, boat, camper or trailer is situated, and if the owner is different than the occupier of the premises, then both owner and occupier shall be jointly and severally liable. In addition, the City, upon certifying the same to the county treasurer, shall have a lien against the premises in the full amount of such removal costs, together with interest at the highest legal rate that the City is authorized by law to collect on special assessments.

Section 8.03 Schedule of Minimum Off-Street Parking and Loading Requirements

Use	Parking Requirements
Adult entertainment establishments	One space per two persons of licensed capacity
Agricultural Sales / Service	One space per 500 s.f. of gross floor area
Amusement Arcades	One space for each 100 s.f. of gross floor area, in addition to one space for each employee on the max. shift
Animal Specialty Services	One space per 300 sq. ft. of gross floor area
Assisted-living facilities	One space per dwelling unit plus one space per employee on the largest shift
Automotive Rental / Sales	One space per 500 s.f. of gross floor area
Automotive Repair Services	Three spaces per repair stall
Bars, Taverns, Nightclubs	Parking equal to 30 percent of licensed capacity
Boarding Houses / Bed and Breakfasts	One space per rental units
Bowling Alleys	Four spaces per alley
Campground	One space per camping unit
Churches, Synagogues, and Temples	One space per three seats in main worship area
Social Clubs, fraternal organizations	One space per 500 s.f. of gross floor area
College/University	Eight spaces per classroom plus one space per employee
Commercial Recreation	One space per three persons of licensed capacity
Communication Services	One space per 500 s.f. of gross floor area
Construction Sales / Service	One space per 500 s.f. of gross floor area
Convalescent and Nursing Home	One space per three beds plus one per employee on the largest shift
Convenience Store with limited fuel sales	One space per 200 s.f. of gross floor area; spaces adjacent to fuel pump are included in total number
Services	largest shift
Day Care (Child Care Center)	One space per employee plus one space or loading stall per each ten persons of licensed capacity
Duplex	Two spaces per dwelling unit
Educational Uses, Primary facilities – Kindergarten, Elementary School, Junior High	Two spaces per classroom
Educational Uses, Secondary facilities –High School	10 spaces per classroom plus one space per employee
Equipment Rental / Sales	One space per 500 s.f. of gross floor area
Food Sales (general)	One space per 200 s.f. of gross floor area
Food Sales (limited)	One space per 300 s.f. of gross floor area
Funeral Homes and Chapels	Eight spaces per reposeing room
General Retail Sales establishments	One space per 200 s.f. of gross floor area
Group Care Facility	One space per four persons of licensed capacity
Group Care Home	One space per four persons of licensed capacity
Guidance Services	One space per 300 s.f. of gross floor area
Health Club	One space per 200 s.f. of gross floor area, plus one space for each employee on peak shift.
Hospitals	One space per two licensed beds
Hotels and Motels	One space per rental unit, plus one space per employee on largest shift.
Industrial Uses	.75 times the maximum number of employees during the largest shift
Laundry Services	One space per 200 s.f. of gross floor area

Libraries	One space per 500 s.f. of gross floor area
Medical Clinics	Five spaces per staff doctor, dentist, chiropractor
Mobile Home Park	Two per dwelling unit
Multi-family / Apartments / Condominiums	One and a half spaces per bedroom for efficiencies and one bedroom units, otherwise one space per bedroom Note: This does not include detached garages.
Offices and Office Buildings	One space per 200 s.f. of gross floor area
Recreational Facilities	One space per four occupants or, in the case of a nonstructural facility, one space per four persons the facility is intended to accommodate.
Residential (Single-family, attached and detached)	Two spaces per dwelling unit with one required to be enclosed
Restaurants (General)	Parking equal to 30 percent of licensed capacity
Restaurants w/ drive-thru	Greater of the two: One space per 40 s.f. of dining area, or One space per 150 s.f. of gross floor area; plus five stacking spaces for drive-thru window.
Roadside stands	Four spaces per stand
Self-Service Storage Facilities	Two spaces at the rental office or 1.5 spaces per employee, whichever is greater.
Service Oriented Establishments	One space per 200 s.f. of gross floor area
Special and Vocational Training	One space per 500 s.f. of gross floor area
Theaters, Auditoriums, and Places of Assembly	One space per three persons of licensed capacity
Veterinary Establishments / Pet Health Services	Three spaces per staff doctor
Warehousing	One per 2,000 s.f. of gross floor area
Wholesaling / Distribution Operations	One space per two employees on the largest shift

Gross Floor Area of Use (sq. ft.)	Number of Required Loading Spaces
5,000 or less	None
5,001 – 25,000	1
25,001 – 75,000	2
75,001 – 150,000	3
Over 150,000	4 plus one for each additional 100,000 s.f

Section 8.04 Off-street Parking: Shared Parking requirements

- 8.04.01 Notwithstanding the provisions of Section 8.03, in cases of shopping centers having 400,000 or more square feet of gross floor area and where parking and building patterns are such that overlapping uses of a majority of the total number of parking spaces in the center is likely to occur, compliance with the standard retail parking ratios may be decreased by the Zoning Administrator after a recommendation by the Planning Commission.
- 8.04.02 Where convention centers, conference centers, assembly halls, ballrooms, or other similar facilities are built in conjunction with a hotel, office park, or shopping center, the Zoning Administrator, after receiving a recommendation from the Planning Commission may permit the construction of fewer parking spaces, due to overlapping usage of a portion of the parking spaces. Said request for a decrease in parking spaces.

Section 8.05 Off-Street Parking: Parking for Individuals with Disabilities

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

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

8.05.02 Except as provided to Section 8.05.02 (1) of this Ordinance, access aisles adjacent to accessible spaces shall be 60 inches (1525 mm) wide minimum.

- One in every eight accessible spaces, but not less than one, shall be served by an access aisle 96 inches (2440 mm) wide minimum and shall be designated “van accessible” as required by Section 8.05.04 of this Ordinance. The vertical clearance at such spaces shall comply with 8.05.05 of this Ordinance. All such spaces may be grouped on one level of a parking structure.

Parking access aisles shall be part of an accessible route to the building or facility entrance. Two accessible parking spaces may share a common access aisle.

Parked vehicle overhangs shall not reduce the clear width of an accessible route. Parking spaces and access aisles shall be level with slopes not exceeding 1:50 (2%) in all directions.

- If passenger-loading zones are provided, then at least one passenger loading zone shall comply with 8.05.06 of this Ordinance.
- At facilities providing medical care and other services for persons with mobility impairments, parking spaces complying with 8.05 of this Ordinance shall be provided in accordance with 8.05.02 (1) of this Ordinance; except as follows:
 - Outpatient units and facilities: 10 percent of total number of parking spaces provided serving each such outpatient unit or facility;
 - Units and facilities that specialize in treatment or services for persons with mobility impairments: 20 percent of the total number of parking spaces provided serving each such unit or facility.
- Valet parking: valet parking facilities shall provide a passenger loading zone complying with 8.05.02 of this Ordinance located on an accessible route to the entrance of the facility.

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

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

8.05.04 Signage of accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility. Spaces complying 8.05.02 (1) shall have an additional sign “Van Accessible” mounted below the symbol of accessibility. Such signs shall be located so they cannot be obscured by a vehicle parked in the space.

8.05.05 Minimum vertical clearance of 114 inches (2895mm) at accessible passenger loading zones and along at least one vehicle access route to such areas from site entrance(s) and exit(s). At parking spaces complying with 8.05.02 (1), provide minimum vertical clearance of 98 inches (2490mm) at

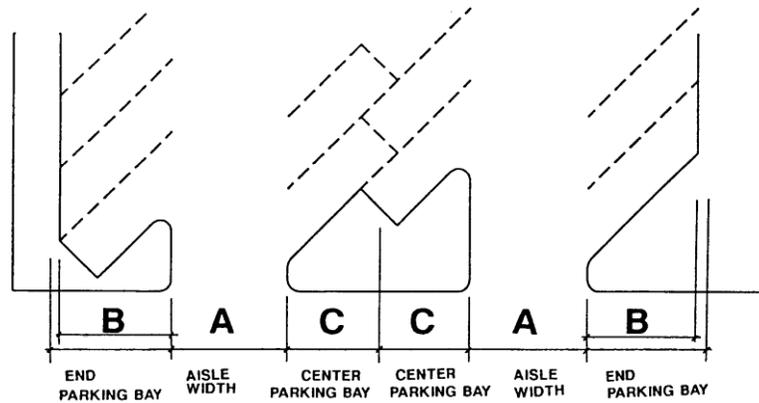
the parking space and along at least one vehicle access route to such spaces from site entrance(s) and exit(s).

8.05.06 Passenger Loading Zones shall provide an access aisle at least 60 inches (1525mm) wide and 20 feet (240inches) (6100mm) long adjacent and parallel to the vehicle pull-up space. If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp complying with accessibility standards shall be provided. Vehicle standing spaces and access aisles shall be level with surface slopes not exceeding 1:50 (2%) in all directions.

Section 8.06 Off-Street Parking Design Criteria

8.06.01 Standard parking stall dimensions shall not be less than 9 feet by 20 feet, plus the necessary space for maneuvering into and out of the space. Where the end of the parking space abuts a curbed area at least five feet in width (with landscaping or sidewalk), an overhang may be permitted which would reduce the length of the parking space by two feet. Such overhang shall be measured from the face of the curb. For standard parking lots, minimum dimensions shall be as follows:

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



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

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

Section 8.07 Home Occupations

The following are the minimum standards required for a Home Occupation:

- 8.07.01 No external evidence of the home occupation with the exception of one unlighted nameplate of not more than two square foot in area attached flat against the building located on local or collector streets. However, four square feet in area may be attached flat against the building located on arterial streets.
- 8.07.02 Advertising displays and advertising devices displayed through a window of the building shall not be permitted.
- 8.07.03 No more than 25 percent of the home can be used for the home occupation. This percentage is inclusive of any detached accessory buildings used for Home Occupations.
- 8.07.04 Home occupations shall employ no more than one full-time or part-time employee on-site other than the residents of the dwelling unit, provided that one off-street parking space is made available and used by the non-resident employee.
- 8.07.05 Unless expressly permitted by a conditional use permit, no retail sales are permitted from the site other than incidental sales related to services provided and periodic open house events for display and ordering/sales of Tupperware, Pampered Chef, PartyLite and similar products.
- 8.07.06 No exterior storage is permitted.
- 8.07.07 Additional off-street parking may be required for the business.
- 8.07.08 If home occupation is for a business office for services rendered at another location then not more than two (2) business or employee vehicles parked on or adjacent to the home occupation property at any one time; provided only one said vehicle may be allowed to park on street right-of-way. Construction or maintenance equipment shall not be stored on the property other than in an enclosed garage; provided one (1) piece of equipment shall be counted as one (1) of the two (2) business or employee vehicles allowed. For the purpose of enforcement of the home occupation provisions of this ordinance, a piece of construction equipment parked on a trailer shall be counted as a single business vehicle. A trailer being pulled by another vehicle, however, shall be counted as two (2) vehicles. Personal vehicles of occupants of the residential dwelling shall not be included in the count of number of business or employee vehicles.
- 8.07.09 No offensive noise, vibration, smoke, odor, heat, or glare shall be noticeable at or beyond the property line.
- 8.07.10 Child Care Homes and Child Care Centers shall require a certificate signed by the State of Nebraska Fire Marshall.
- 8.07.11 All activities within a home occupation must be able to operate on normal household utilities including electricity.
- 8.07.12 All businesses related to Child Care Homes and Child Care Centers shall be in accordance with Nebr. R. R. S. 1943, Sec. §71-1902. All business related to Adult Care Centers shall be in accordance with all applicable state statutes.

Section 8.08 Wireless Communication Towers**8.08.01 Intent:**

Based upon the Communications Act of 1934, as amended by the Telecommunications Act of 1996 (the Act) grants the Federal Communications Commission (FCC) exclusive jurisdiction over certain aspects of telecommunication services. This section is intended to regulate towers, telecommunications facilities and antennas in the City in conformance with the Act without prohibiting or tending to prohibit any person from providing wireless telecommunication service. Telecommunication facilities, towers and antennas in the City's jurisdiction, to protect residential areas and land uses from potential adverse impact of installation of towers and antennas through careful design, siting, and camouflaging, to promote and encourage shared use / collocation of towers and other antenna support structures rather than the construction of additional single use towers, to avoid potential damage to property caused by towers, telecommunications facilities and antennas by ensuring such structures are soundly and carefully designed, constructed, modified, maintained, repaired and removed when no longer used or are determined to be structurally unsound and to ensure that towers and antennas are compatible with surrounding land uses.

8.08.02 Definitions:

All terms in this Section which are not specifically defined herein shall be construed in accordance with the Communications Act of 1934, the Telecommunications Act of 1996 and the Rules and Regulations of the Federal Communications Commission (FCC). As used in this Section, the following terms shall have the following meanings:

1. **ANTENNA** shall mean a device, designed and intended for transmitting or receiving television, radio, or microwave signals, direct satellite service (including direct-to-home satellite service), and/or video programming services via multi-point distribution services.
2. **ANTENNA SUPPORT STRUCTURE** shall mean any building or structure other than a tower which can be used for location of telecommunications facilities.
3. **APPLICANT** shall mean any person that applies for a Tower Development Permit.
4. **APPLICATION** shall mean a process by which the owner of a tract of land within the zoning jurisdiction of the City submits a request to develop, construct, modify, or operate a tower upon such tract of land. The term application includes all written documentation, verbal statements, and representations, in whatever, formal forum, made by an applicant to the City concerning such request.
5. **CONFORMING COMMERCIAL EARTH STATION** shall mean a satellite dish which is two meters or less in diameter and is located in an area where commercial or industrial uses are generally permitted under this ordinance.
6. **ENGINEER** shall mean any engineer qualified and licensed by any state or territory of the United States of America.
7. **OWNER** shall mean any person with a fee simple title or a leasehold exceeding 10 years in duration to any tract of land within the zoning jurisdiction of the City who desires to develop, construct, modify, or operate a tower upon such tract of land.
8. **PERSON** shall mean any person, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not for profit.
9. **SATELLITE DISH ANTENNA** shall mean an antenna consisting of a radiation element intended for transmitting or receiving television, radio, microwave, or radiation signals and supported by a structure with or without a reflective component to the radiating dish, usually circular in shape.
10. **STEALTH** shall mean any telecommunications facility, tower, or antenna which is designed to enhance compatibility with adjacent land uses, including, but not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and towers designed to look other than a tower, such as light poles, power poles and trees.
11. **TELECOMMUNICATIONS FACILITIES** shall mean any cables, wires, lines, wave guides, antennas, or any other equipment or facilities associated with the transmission or reception of communications which a person seeks to locate or has installed upon or near a tower or antenna support structure. However, telecommunications facilities shall not include:
 1. Any Conforming Commercial Earth Station antenna two meters or less in diameter which is located on real estate zoned AR, RT, BP, BH, BG, or I-1.
 2. Any earth station antenna or satellite dish antenna of one meter or less in diameter, regardless of zoning applicable to the location of the antenna.
12. **TOWER** shall mean a self-supporting lattice, guyed, or monopole structure which supports Telecommunications Facilities. The term Tower shall not include non-commercial amateur radio operator's equipment as licensed by the FCC or structure supporting an earth station antenna serving residential premises or dwelling units exclusively.
13. **TOWER DEVELOPMENT PERMIT** shall mean a permit issued by the City upon recommendation of the Planning Commission and approval by the City Council of an application to develop a tower within the zoning jurisdiction of the City; which permit shall continue in full force and effect for so long as the tower to which it applies conforms to this Section. Upon issuance, a Tower Development Permit shall be deemed to run with the land during the permits duration and may be transferred, conveyed, and assigned by the applicant to assigns and successors-in-interest. A tower development permit shall follow the same procedure as a conditional use permit and be administered the same.

14. **TOWER OWNER** shall mean any person with an ownership interest of any nature in a proposed or existing tower following the issuance of a Tower Development Permit.

8.08.03 Location of Towers and Construction Standards

1. Towers shall be permitted by conditional uses of land in only those zoning districts where specifically listed and authorized in this ordinance.
2. No person shall develop, construct, modify or operate a tower upon any tract of land within the zoning jurisdiction of the City prior to approval of its application for a Tower Development Permit by the City Council and issuance of the permit by the City. Applicants shall submit their application for a Tower Development Permit to the Building Inspector and shall pay a filing fee in accordance with the Master Fee Schedule.
3. Towers shall not be permitted in the Corridor Overlay Districts.
4. All towers, telecommunications facilities and antennas on which construction has commenced within the zoning jurisdiction of the City after the effective date of this ordinance shall conform to the Building Codes and all other construction standards set forth by the City, County, federal, and state law and applicable American National Standards Institute (ANSI). Upon completion of construction of a tower and prior to the commencement of use, an engineer's certification that the tower is structurally sound and in conformance with all of the aforementioned applicable regulatory standards shall be filed with the Building Inspector.
5. Location and design of sites in all districts should consider the impact of the site on the surrounding neighborhood and the visual impact within the zone district. When permitted in a residential district and residential land use area, the minimum lot size for towers shall be three acres.

8.08.04 Application to develop a Tower

Prior to commencement of development or construction of a tower, an application shall be submitted to the Building Inspector for a Tower Development Permit and shall include the following:

1. Name, address, and telephone number of the owner and if applicable, the lessee of the tract of land upon which the tower is to be located. Applicants shall include the owner of the tract of land and all persons having an ownership interest in the proposed tower. The application shall be executed by all applicants.
2. The legal description and address of the tract of land on which the tower is to be located.
3. The names, addresses and telephone numbers of all owners of other towers or useable antenna support structures within a one mile radius of the proposed tower, including publicly and privately owned towers and structures.
4. An affidavit attesting to the fact that the applicant has made diligent but unsuccessful efforts to obtain permission to install or collocate the applicants telecommunications facilities on a tower or useable antenna support or written technical evidence from an engineer that the applicants telecommunications facilities cannot be installed or collocated on another tower or useable antenna support structure.
5. Written technical evidence from an engineer that the proposed tower will meet the established Building Code, and all other applicable construction standards set forth by the City Council and federal and state and ANSI standards.
6. Color photo simulations showing the proposed location of the tower with a photo-realistic representation of the proposed tower as it would appear viewed from the nearest residentially used and / or zoned property and nearest roadway, street or highway.
7. Descriptions and diagrams of the proposed tower, telecommunications facilities and/or antenna, manufacturers literature, appurtenances such as buildings, driveways, parking areas, and fences or other security enclosures with significant detail to allow persons reviewing the application to understand the kind and nature of the proposed facility.

8.08.05 Tower Development Permit: Procedure

After receipt of an application for a Tower Development Permit, the City shall schedule a public hearing before the Planning Commission, following all statutory requirements for publication and notice, to consider such application. The Planning Commission shall receive testimony on the Tower Development Permit and shall make a recommendation to the City Council. Upon the completion of the Planning Commission Public Hearing the City shall schedule a public hearing before the City Council, following all statutory requirements for publication and notice, to consider such application and the recommendation of the City Planning Commission. Notice, for each Public Hearing, shall be made at least one time and at least 10 days prior to such hearing. In addition, the City shall cause a notice to be posted in a conspicuous place on the property on which

action is pending. Such notice shall conform to Section 6.03 of this ordinance. The Planning Commission and City Council may approve the Tower Development Permit as requested in the pending application with any conditions or safeguards it deems reasonable and appropriate based upon the application and / or input received at the public hearings or deny the application. In all zoning districts in which towers are a permitted conditional use of land, the Tower Development Permit shall be deemed a conditional use permit for said tract of land.

8.08.06 **Setbacks and Separation or Buffer Requirements**

1. All towers up to 50 feet in height shall be setback on all sides a distance equal to the underlying setback requirement in the applicable zoning district. Towers in excess of 50 feet in height shall be set back one additional foot for each foot of tower height in excess of 50 feet. The height of the tower shall be measured from the grade at the foot of the base pad to the top of any telecommunications facilities or antennas attached thereto. Setback requirements shall be measured from the base of the tower to the property line of the tract of land on which it is located.
2. Towers exceeding 100 feet in height may not be located in any residentially zoned district and must be separated from all residentially zoned districts and occupied structures other than those utilized by the tower owner, by a minimum of 200 feet or 100 percent of the height of the proposed tower, whichever is greater.
3. Towers of 100 feet or less in height may be located in residentially zoned districts provided said tower is separated from any residential structure, school, church, and/or occupied structures other than those utilized by the tower owner, by a minimum of 100 percent of the height of the tower.
4. Towers must meet the following minimum separation requirements from other towers:
 1. Monopole tower structures shall be separated from all other towers, whether monopole, self-supporting lattice, or guyed by a minimum of 750 feet.
 2. Self-supporting lattice or guyed towers shall be separated from all other self-supporting lattice or guyed towers by a minimum of 1,500 feet.

8.08.07 **Structural Standards for Towers Adopted**

The *Structural Standards for Steel Antenna Towers and Antenna Supporting Structures*, 1991 Edition (ANSI/EIA/TIA 222-E-1991) is hereby adopted, together with any amendments thereto as may be made from time to time, except such portions as are hereinafter deleted, modified, or amended by regulation and set forth in this Article of the Zoning Regulation.

8.08.08 **Illumination and Security Fences**

1. Towers shall not be artificially lighted except as required by the Federal Aviation Administration (FAA). In cases where there are residential uses / zoned properties within a distance of 300 percent of the height of the tower, any tower subject to this Section shall be equipped with dual mode lighting.
2. All self-supporting lattice or guyed towers shall be enclosed within a security fence of at least six feet in height or other structure designed to preclude unauthorized access. Monopole towers shall be designed and constructed in a manner which will preclude to the extent practical, unauthorized climbing of said structure.

8.08.09 **Exterior Finish**

Towers not requiring FAA painting or marking shall have an exterior finish which enhances compatibility with adjacent land uses, subject to review and approval by the Building Inspector as part of the application approval process. All towers which must be approved as a conditional use shall be stealth design unless stealth features are impractical or the cost of such features represents an undue burden on the applicant.

8.08.10 **Landscaping**

All tracts of land on which towers, antenna support structures, telecommunications facilities and/or antennas are located shall be subject to the landscaping requirements of the City.

8.08.11 **Maintenance, Repair or Modification of Existing Towers**

All towers constructed or under construction on the date of approval of this ordinance may continue in existence as a non-conforming structure and may be maintained or repaired without complying with any of the requirements of this Section. Non-conforming structures or uses may not be enlarged or the degree of nonconformance increased without complying with this Section, including applying for and obtaining a Tower Development Permit. Any modification or

reconstruction of a tower constructed or under construction on the date of approval of this ordinance shall be required to comply with the requirements of this Section including applying for and obtaining a Tower Development Permit. Said application shall describe and specify all items which do not comply with this Section and may request, subject to final review and approval of the City Council, an exemption from compliance as a condition of the Tower Development Permit.

8.08.12 **Inspections**

The City reserves the right to conduct inspection of towers, antenna support structures, telecommunications facilities and antenna upon reasonable notice to the tower owner or operator to determine compliance with this Section and to prevent structural and equipment failures and accidents which may cause damage, injuries or nuisances to the public. Inspections may be made to determine compliance with the City's Building Codes and any other construction standards set forth by the City, federal and state law or applicable ANSI standards. Inspections shall be made by either the Building Inspector, or a duly appointed independent representative of the City.

8.08.13 **Maintenance**

The towers, antenna support structures, telecommunications facilities and antennas shall at all times be kept and maintained in good condition, order and repair so that the same does not constitute a nuisance to or a danger to the life or property of any person or the public.

8.08.14 **Abandonment**

If any tower shall cease to be used for a period of one year, the Building Inspector shall notify the tower owner that the site will be subject to determination of abandonment. Upon issuance of written notice to show cause by the Building Inspector, the tower owner shall have 30 days to show preponderance of evidence that the tower has been in use or under repair during the period of apparent abandonment. In the event the tower owner fails to show that the tower has been in use or under repair during the relevant period, the Building Inspector shall issue a final determination of abandonment of the site and the tower owner shall have 75 days thereafter to dismantle and move the tower. In the event the tower is not dismantled and removed, the tower shall be declared a public nuisance by the Building Inspector, or his/her designee and a written request shall be directed to the City Attorney to proceed to abate said public nuisance pursuant to authority of the Revised Nebraska State Statutes and City of Springfield codes, and charge the costs thereof against the real estate on which the tower is located or the owner of record of the said real estate.

8.08.15 **Satellite Dish Antennas, Regulation**

Upon adoption of this ordinance, installation of satellite dish antennas shall be permitted within the zoning jurisdiction of Springfield only upon compliance with the following criteria and the issuance of a permit:

1. In residentially zoned districts, satellite dish antennas may not exceed a diameter of 10 feet.
2. Single family residences may not have more than one satellite dish antenna over 3 feet in diameter.
3. Multiple family residences with 10 or less dwelling units may have no more than one satellite dish antenna over three feet in diameter. Multiple family residences with more than 10 dwelling units may have no more than two satellite dish antennas over three feet in diameter.
4. In residential zoning districts, satellite dish antennas shall not be installed in the required front yard setback or side yard setback area.
5. All satellite dish antennas installed within the zoning jurisdiction of Springfield, upon adoption of this ordinance, shall be of a neutral color such as black, gray, brown, or such color as will blend with the surrounding dominant color in order to camouflage the antenna.

8.08.16 **Amateur Radio Towers and facilities, Regulation**

All amateur radio antennas, towers, and associated facilities not in compliance with the provisions for accessory structures within individual zoning districts shall comply with the standards of Section 8.08.

8.08.17 **Severability**

If any clause, subsection, or any other part of this Section shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Section shall not be affected thereby, but shall remain in full force and effect.

Section 8.09 Keeping of Animals

Animals may be kept within the zoning jurisdiction of the City of Springfield subject to the following restrictions as per Municipal Code 6-114.01.

Section 8.10 Solar Panels

No solar panel shall be constructed within the residential zoning jurisdiction of the City of Springfield unless a permit therefore is approved and issued by the building inspector and is constructed in conformance with the following requirements. For those devices that include electrical, plumbing and heating constructions, the applicable permits shall also be obtained. Solar panels shall meet the following requirements.

- 8.10.01 **Lot and Height Requirements:** Solar panels shall conform to the required front, side, street side, and rear lot setback requirements except as provided herein:
1. A solar panel which is attached to an integral part of the principal building may project three feet into the front yard and street side yard; six feet into the rear yard; and two feet into the side yard.
 2. A solar panel which is freestanding may be located only in the required rear yard provided it does not exceed six feet in height and is located not less than five feet from the rear lot line and not closer than one foot to any existing easement as measured from the closest point of the structure including its foundation and anchorage's, nor shall the solar panel be located in the required side yard, front yard or street side yard.
- 8.10.02 **Structural Requirements:** The physical structure and connections to existing structures shall conform to the applicable Springfield building codes.
- 8.10.03 **Plot Plan:** The application for a permit shall be accompanied by a plot plan drawn to scale showing property lines, existing structures on the lot, proposed solar panel location with respect to property lines, and dimensions of the proposed solar panel.
- 8.10.04 **Permit Fee:** A permit fee is required. This permit fee shall be paid prior to the issuance of the building permit. The amount of the fee shall be as established in the Master Fee Schedule.
- 8.10.05 **Pre-existing Solar Panels:** Notwithstanding noncompliance with the requirements of this section, a solar panel erected prior to January 1, 2015, pursuant to a valid building permit issued by the City, may continue to be utilized so long as it is maintained in operational condition.

Section 8.11 Performance Standards for Industrial Uses

The following standards shall be met unless there are greater standards required by the United States Environmental Protection Agency or the Nebraska Department of Environmental Quality.

- 8.11.01 **Physical Appearance:** All operations shall be carried on within an enclosed building except that new materials or equipment in operable condition may be displayed or stored in the open, if the applicable zoning district permits. Normal daily wastes of an inorganic nature may be stored in containers not in a building when such containers are not readily visible from a street. The provisions of this paragraph shall not be construed to prohibit the display of merchandise or vehicles for sale or the outdoor storage of vehicles, boats, farm machinery, trailers, mobile homes, or similar equipment when in operable condition. However, allowable outdoor storage or display shall be visually screened from public roadways and residential properties.
- 8.11.02 **Fire hazard:** No operation shall involve the use of highly flammable gasses, acid, liquids, grinding processes, or other inherent fire hazards. This provision shall not be construed to prohibit the use of normal heating fuels, motor fuels and welding gasses when handled in accordance with other regulations of the City of Springfield.
- 8.11.03 **Noise:** No operation shall be carried on which involves noise in excess of the normal traffic noise of the adjacent street at the time of the daily peak hour of traffic volume or in excess of eighty (80) decibels, whichever is greater. Noise shall be measured at the property line and when the level of such noise cannot be determined by observation with the natural senses, a suitable instrument may be used and measurement may include breakdowns into a reasonable number of frequency ranges.

- 8.11.04 **Exterior Lighting:** 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 and public right-of-ways.
- 8.11.05 **Sewage and Liquid Wastes:** No operation shall be carried on which involves the discharge of waste into a stormsewer, water course, or the ground; nor should any liquid waste of any radioactive or poisonous nature or chemical waste which are detrimental to normal sewage plant operation or corrosive and damaging to sewer pipes and installations be dumped into wastewater sewerage.
- 8.11.06 **Air Contaminants:**
1. Air Contaminants and smoke shall be less dark than designated Number One on the Ringleman Chart as published by the United States Bureau of Mines, except that smoke of a density designated as Number One shall be permitted for one four minute period in each one-half hour. Light colored contaminants of such an capacity as to obscure an observer's view to a degree equal to or greater than the aforesaid shall not be permitted
 2. Particulate matter of dust as measured at the point of emission by any generally accepted method shall not be emitted in excess of two tenths (0.2) grains per cubic foot as corrected to a temperature of 500 degrees Fahrenheit, except for a period of four minutes in any one-half hour, at which time it may equal but not exceed six tenths (0.6) grains per cubic foot as corrected to a temperature of 500 degrees Fahrenheit.
 3. Due to the fact that the possibilities of air contamination cannot reasonably be comprehensively covered in this section, there shall be applied the general rule that there shall not be discharged from any sources whatsoever such quantities of air contaminants or other material in such quantity as to cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public in general; or to endanger the comfort, repose, health, or safety of any such considerable number of persons or to the public in general, or to cause, or have a natural tendency to cause injury or damage to business, vegetation, or property.
 4. **Odor:** The emission of odors that are generally agreed to be obnoxious to any considerable numbers of persons, shall be prohibited. Observations of odor shall be made at the property line of the establishment causing the odor. As a guide to classification of odor it shall be deemed that strong odors of putrefaction and fermentation tend to be obnoxious and that such odors as associated with baking or the roasting of nuts and coffee shall not normally be considered obnoxious within the meaning of this ordinances.
 5. **Gasses:** The gasses sulphur dioxide and hydrogen sulphide shall not exceed five parts per million, carbon monoxide shall not exceed five parts per million. All measurements shall be taken at the zoning lot line.
 6. **Vibration:** All machines including punch presses and stamping machines shall be so mounted as to minimize vibration and in no case shall such vibration exceed a displacement of three thousands (0.003) of an inch measured at the zoning lot line. The use of steam or broad hammers shall not be permitted in this zone.
 7. **Glare and heat:** All glare, such as welding arcs and open furnaces shall be shielded so that they shall not be visible from the zoning lot line. No heat from furnaces or processing equipment shall be sensed at the zoning lot line to the extent of raising the temperature of air or materials more than five degrees Fahrenheit.

Section 8.12 Self Storage Units / Convenience Storage Units

- 8.12.01 Minimum lot size of the Self-Storage facility shall be two acres.
- 8.12.02 Activities within the facility shall be limited to the rental of storage cubicles and the administration and maintenance of the facility.
- 8.12.03 All driveways, parking, loading and vehicle circulation areas shall be paved with concrete, asphalt, or asphaltic concrete. All driveways within the facility shall provide a paved surface with a minimum width of 25 feet.
- 8.12.04 All storage must be within enclosed buildings and shall not include the storage of hazardous materials.
- 8.12.05 No storage may open into the front yards.
- 8.12.06 Facilities must maintain landscape buffer yards of 50 feet adjacent to any public Right-of-Way and 20 feet adjacent to other property lines, unless greater setbacks are require, a total of 35 percent of all buffers shall be landscaped.

- 8.12.07 Height limitations shall require a maximum height of 20 feet for any structure in the facility.
- 8.12.08 The perimeter of each facility shall be fully enclosed by fencing or screen walls. Perimeter fencing shall be provided at a minimum of six feet and maximum of eight feet in height, of material approved by the Building Inspector. Fencing shall be constructed behind required buffer yards.

Section 8.13 Auto Wrecking Yards, Junk Yards Salvage Yards and Scrap Processing Yards

- 8.13.01 The use shall be located on a tract of land at least 300 hundred feet from a residential district.
- 8.13.02 The operation shall be conducted wholly within a noncombustible building or within an area completely surrounded by a solid fence or wall at least eight feet high.
- 8.13.03 The fence or wall shall be uniform in height, texture, and color, and shall be so maintained by the proprietor as to ensure maximum safety to the public, obscure the junk from normal view of the neighborhood.
- 8.13.04 The fence or wall shall be installed in such a manner as to retain all scrap, junk or other material within the yard. No scrap, junk or other salvaged materials may be piled or stacked so to exceed the height of the enclosing fence or wall.
- 8.13.05 No junk shall be loaded, unloaded or otherwise placed either temporarily or permanently outside the enclosed building, fence or wall, or within the public Right-of-Way.
- 8.13.06 Burning of paper, trash, junk or other materials shall be prohibited.

Section 8.14 Funeral, Mortuary or Crematory Services

- 8.14.01 These uses shall be located on a collector or arterial street as shown in the Comprehensive Plan.

Section 8.15 Residential and Small Wind Energy Systems

8.15.01 Purpose

It is the purpose of this ordinance to promote the safe, effective and efficient use of small wind energy systems installed to reduce the on-site consumption of utility supplied electricity and that such systems are appropriately sited within Springfield's zoning jurisdiction.

8.15.02 Definitions

The following are defined for the specific use of this section. Additional definitions pertaining to wind energy systems are found in Section 8.16.02 herein.

1. **Building-Mounted Wind Turbine (BMWT):** a wind energy conversion system consisting of a wind turbine mounting system and associated control or conversion electronics and which is mounted to a building and intended to primarily reduce on-site consumption of utility power.
2. **Decibel (db):** The measurement of a sound pressure relative to the logarithmic conversion of the sound pressure reference level often set as 0 dbA. In general, this means the quietest sound we can hear is near 0 dbA and the loudest we can hear without pain is near 120 dbA. Most sounds in the typical day-to-day environment range from 30 dbA to 100 dbA. Normal speech at 3 feet averages about 65 dbA.
3. **FAA:** Federal Aviation Administration.
4. **Micro-Wind Energy Conversion System** shall mean a Wind Energy Conversion System of 1 kW nameplate generating capacity or less and utilizing supporting towers of 40 feet or less.
5. **Residential Wind Energy Conversion System (RWECS):** a wind energy conversion system consisting of a wind turbine, tower, and associated control or conversion electronics, and which is intended to primarily reduce on-site consumption of utility power. A system is considered a residential wind energy system only if it supplies electrical power solely for on-site use, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.
6. **Small Wind Energy Conversion System (SWECS):** a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, and which will be used primarily to reduce on-site consumption of utility power. Such system has a rated capacity of not more than 100 kW and which is intended to primarily reduce on-site consumption of utility power.
7. **Total Height** shall mean the highest point, above ground level, reached by a rotor tip or any other part of the Wind Energy Conversion System.
8. **Tower Height** shall mean the height above grade of the first fixed portion of the tower, excluding the wind turbine itself.

8.15.03 *Requirements for Residential Wind Energy Conversion System (RWECS)*

Residential wind energy systems shall be permitted as a conditional use within any district where the use is listed and allowed. Certain requirements as set forth below shall be met. See Section 8.16.07 for regulations on building mounted wind turbines.

1. Wind energy towers shall to the extent possible blend into the surrounding environment and architecture, including painting to reduce visual obtrusiveness. The City Planner may require a photo of an RWECS system of the same model that is the subject of the landowner's application adjacent to a building or some other object illustrating scale (e.g., manufacturer's photo).
2. RWECS shall not be artificially lighted unless required by the FAA or another appropriate authority.
3. No tower should have any sign, writing, or picture that may be construed as advertising.
4. RWECS shall not exceed 60 dBA, as measured at the closest property line. The level, however, may be exceeded during short-term events such as utility outages and/or severe windstorms.
5. An RWECS shall be located on a parcel that is at least one-half (1/2) acre in size.
6. The applicant shall provide information demonstrating that the system will be used primarily to off-set on-site consumption of electricity. No residential wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
7. The minimum distance between the ground and any protruding blades utilized on an RWECS shall be 20 feet, as measured at the lowest point on the arc of the rotor. The supporting tower shall also be enclosed with a six foot tall fence or the base of the tower shall not be climbable for a distance of 12 feet.
8. Compliance with FAA regulations: An RWECS must comply with applicable regulations of the Federal Aviation Administration, including any necessary approvals for installations close to airports.
9. Compliance with the International Building Code: Building permit applications for an RWECS shall be accompanied by standard drawings of the wind turbine structure, including the tower base, and footings. An engineering analysis of the tower showing compliance with the International Building Code and certified by a professional engineer licensed in the State of Nebraska shall also be submitted.
10. Compliance with National Electric Code: Building permit applications for an RWECS shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electric Code. This information may be supplied by the manufacturer.
11. Setbacks
 - a. See Section 8.16.05 for setbacks.
 - b. No part of the wind system structure, including guy-wire anchors, may extend closer than 10 feet to the property lines of the installation site
12. Tower Height

The applicant shall provide evidence that the proposed height of the RWECS does not exceed the height recommended by the manufacturer or distributor of the system.

 - a. The maximum tower height is 80, unless a greater restriction is imposed by FAA regulations.

8.15.04 *Requirements for Small Wind Energy Conversion System (SWECS)*

Small wind energy systems shall be permitted as a conditional use within any district where the use is listed and allowed. Certain requirements as set forth below shall be met. See Section 8.16.07 for regulations on building mounted wind turbines.

1. Small wind energy towers shall maintain a galvanized steel finish, unless FAA standards require otherwise, or if the owner is attempting to match the finish on the tower to the surrounding environment and architecture, in which case it may be painted to reduce visual obtrusiveness. The City Planner may require a photo of an SWECS system of the same model that is the subject of the landowner's application adjacent to a building or some other object illustrating scale (e.g., manufacturer's photo).
2. SWECS shall not be artificially lighted unless required by the FAA or another appropriate authority.
3. No tower should have any sign, writing, or picture that may be construed as advertising.
4. SWECS shall not exceed 60 dBA, as measured at the closest property line. The level, however, may be exceeded during short-term events such as utility outages and/or severe windstorms.

5. An SWECS shall be located on a parcel that is at least three (3) acres in size.
6. The applicant shall provide information demonstrating that the system will be used primarily to off-set on-site consumption of electricity. No residential wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
7. The minimum distance between the ground and any protruding blades utilized on an SWECS shall be 20 feet, as measured at the lowest point on the arc of the rotor. The supporting tower shall also be enclosed with a six foot tall fence or the base of the tower shall not be climbable for a distance of 12 feet.
8. Compliance with FAA regulations: An SWECS must comply with applicable regulations of the Federal Aviation Administration, including any necessary approvals for installations close to airports.
9. Compliance with the International Building Code: Building permit applications for an SWECS shall be accompanied by standard drawings of the wind turbine structure, including the tower base, and footings. An engineering analysis of the tower showing compliance with the International Building Code and certified by a professional engineer licensed in the State of Nebraska shall also be submitted.
10. Compliance with National Electric Code: Building permit applications for an SWECS shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electric Code. This information may be supplied by the manufacturer.
11. Setbacks
 - a. See Section 8.16.05 for setbacks.
 - b. No part of the wind system structure, including guy-wire anchors, may extend closer than 10 feet to the property lines of the installation site.
12. Tower Height

The applicant shall provide evidence that the proposed height of the SWECS does not exceed the height recommended by the manufacturer or distributor of the system.

 - a. The maximum tower height is 120, unless a greater restriction is imposed by FAA regulations.

Section 8.16 Commercial/Utility Grade Wind Energy Systems

8.16.01 Purpose

It is the purpose of this ordinance to promote the safe, effective and efficient use of commercial/utility grade wind energy systems and that such systems are appropriately sited within the zoning jurisdiction of the City of Springfield.

8.16.02 Definitions

The following are defined for the specific use of this section.

1. **A-weighted Sound Level (dba):** a measurement of sound pressure level, which has been filtered or weighted to progressively de-emphasize the importance of frequency components below 1,000 Hz and above 5,000 Hz. This reflects the fact that human hearing is less sensitive at low frequencies and at extremely high frequencies, relative to the mid-range of the frequency spectrum. This area of sensitivity also corresponds to the human speech band. This measurement is the most commonly used filter in both industrial noise applications (governed by OSHA) and community noise regulations.
2. **Aggregate Project** shall mean projects that are developed and operated in a coordinated fashion, but which have multiple entities separately owning one or more of the individual WECS within the larger project. Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity but are also part of the aggregated project.
3. **Applicant:** A property owner, or any person or entity acting as an agent for the property owner, in an application for a WECS Permit under this Article.
4. **Blade Glint:** The intermittent reflection of the sun off the gloss surface of wind turbine blades.

5. **Building-Mounted Wind Turbine (BMWT):** a wind energy conversion system consisting of a wind turbine mounting system and associated control or conversion electronics and which is mounted to a building and intended to primarily reduce on-site consumption of utility power.
6. **Commercial Wind Energy Conversion System (CWECS):** an electrical generating facility comprised of one or more wind turbines and accessory facilities generating capacity, including but not limited to: power lines, transformers, substations and meteorological towers that operate by converting the kinetic energy of wind into electrical energy. The energy generated will be used by a utility company for off-site use. A wind energy conversion system of equal to or greater than 100 kW in total name plate generating capacity.
7. **Decibel (db):** The measurement of a sound pressure relative to the logarithmic conversion of the sound pressure reference level often set as 0 dbA. In general, this means the quietest sound we can hear is near 0 dbA and the loudest we can hear without pain is near 120 dbA. Most sounds in the typical day-to-day environment range from 30 dbA to 100 dbA. Normal speech at 3 feet averages about 65 dbA.
8. **FAA:** Federal Aviation Administration.
9. **Fall Zone** shall mean the area, defined as the furthest distance from the tower base, in which a guyed tower will collapse in the event of a structural failure. This area is less than the total height of the structure.
10. **FCC:** Federal Communications Commission.
11. **Feeder Line** shall mean any power line that carries electrical power from one or more wind turbines or individual transformers associated with individual wind turbines to the point of interconnection with the electric power grid, in the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substation serving the wind energy conversion system.
12. **Furling:** A design characteristic of a wind turbine intended to limit its power output in high winds by changing the rotor's plane of rotation to a plane that is not perpendicular to the prevailing wind direction.
13. **Hub Height:** the distance measured from ground level to the centerline of the rotor.
14. **Ice Throw:** Ice build-up that is thrown by the spinning turbine blades.
15. **Meteorological Tower** shall mean, for purposes of this ordinance, a tower, including the tower, base plate, anchors, guy cables and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment, data loggers, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location. Meteorological towers do not include towers and equipment used by airports, the Nebraska Department of Roads, or other applications to monitor weather conditions.
16. **Micro-Wind Energy Conversion System** shall mean a Wind Energy Conversion System of 1 kW nameplate generating capacity or less and utilizing supporting towers of 40 feet or less.
17. **Nacelle:** A cover housing that holds all of the generating components of a WECS, such as the gearbox, drive train, rotor shaft, and brake assembly.
18. **Operator:** The person or entity responsible for the day-to-day operation and maintenance of the WECS.
19. **Public Conservation Lands** shall mean land owned in fee title by State or Federal agencies and managed specifically for conservation purposes, including but not limited to

State Wildlife Management Areas, State Parks, Federal Wildlife Refuges and Waterfowl Production Areas. For purposes of this ordinance, public conservation lands will also include lands owned in fee title by non-profit conservation organizations, Public conservation lands will also include private lands upon which conservation easements have been sold to public agencies or non-profit conservation organizations.

20. **Pure Tone:** A sound whose instantaneous sound pressure is a simple sinusoidal function of the time and is characterized by a single frequency or singleness of pitch. For the purpose of these regulations, a pure tone shall exist if the one-third octave band sound pressure level in the bandwidth of the tone exceeds the arithmetic average of the sound pressure levels on the two contiguous one-third octave bands by five db for center frequencies of 500 Hz and above, and eight db for center frequencies between 160 and 400 Hz, and by 15 db for center frequencies less than or equal to 125 Hz.
21. **Residential Wind Energy Conversion System (RWECS):** a wind energy conversion system consisting of a wind turbine, tower, and associated control or conversion electronics, and which is intended to primarily reduce on-site consumption of utility power. A system is considered a residential wind energy system only if it supplies electrical power solely for on-site use, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.
22. **Rotor:** The rotating part of a turbine, including the blades.
23. **Rotor Diameter** shall mean the diameter of the circle described by the moving rotor blades.
24. **Sensitive Receptor:** Structures that have occupants on a routine basis and whose occupants could be negatively affected by noise, vibration, shadow, or flicker, including those structures intended for four season human habitation (whether inhabited or not), public parks, state designated wildlife areas, the manicured areas of private recreational establishments such as golf courses or the campsites in a state approved campground, schools, daycare centers, elderly care facilities, hospitals, places of public assembly, and businesses.
25. **Shadow Flicker:** When the blades of an operating wind turbine pass between the sun and an observer, casting a readily observable, moving shadow on the observer and his or her immediate environment.
26. **Small Wind Energy Conversion System (SWECS):** a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, and which will be used primarily to reduce on-site consumption of utility power. Such system has a rated capacity of not more than 100 kW and which is intended to primarily reduce on-site consumption of utility power.
27. **Stall Control:** A braking mechanism on wind turbines where the rotor blades are bolted onto the hub at a fixed angle. The rotor blade profile is aerodynamically designed to ensure that the moment the wind speed becomes too high it creates turbulence on the side of the rotor blade which is not facing the wind. This stall prevents the lifting force of the rotor blade from acting on the rotor.
28. **Substations** shall mean any electrical facility to convert electricity produced by wind turbines to a voltage greater than 35,000 (35,000 KV) for interconnection with high voltage transmission lines.
29. **Total Height** shall mean the highest point, above ground level, reached by a rotor tip or any other part of the Wind Energy Conversion System.
30. **Tower** shall mean the vertical structures that support the electrical, rotor blades, or meteorological equipment.

31. **Tower Height** shall mean the total height of the Wind Energy Conversion System exclusive of the rotor blades.
32. **Transmission Line** shall mean the electrical power lines that carry voltages of at least 69,000 volts (69 KV) and are primarily used to carry electric energy over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers.
33. **Turbine, or Wind Turbine:** see “Wind Energy Conversion System.”
34. **Upwind Rotor:** A design in which the rotor on a wind turbine tower faces into the wind.
35. **Well-designed Braking System:** The primary braking system, which uses a mechanical brake, pitch-control of the turbine blades, or stall-control to bring the turbine to a stop in such a way that stall-induced vibrations/noise are avoided.
36. **Wind Energy Conservation System (WECS)** shall mean an electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to: power lines, transformers, substations and meteorological towers that operate by converting the kinetic energy of wind into electrical energy. The energy may be used on-site or distributed into the electrical grid.
37. **Wind Energy Conversion System (WECS) Facility:** An electric generating facility, whose main purpose is to supply electricity, consisting of one or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.
38. **Wind Turbines** shall mean any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy using airfoils or similar devices to capture the wind.

8.16.03 Requirements

Commercial/Utility Grade wind energy systems shall be permitted as a Conditional Use within any district where the use is listed and allowed. The following requirements and information shall be met and supplied:

1. The name(s) of project applicant.
2. The name of the project owner.
3. The legal description and address of the project.
4. A description of the project of the project including: Number, type, name plate generating capacity, tower height, rotor diameter, and total height of all wind turbines and means of interconnecting with the electrical grid.
5. Site layout, including the location of property lines, wind turbines, electrical grid, and all related accessory structures. This site layout shall include distances and be drawn to scale.
6. Engineer’s certification from a professional engineer licensed in the State of Nebraska.
7. Documentation of land ownership or legal control of the property.
8. The latitude and longitude of individual wind turbines.
9. A USGS topographical map, or map with similar data, of the property and surrounding area, including any other Wind Energy Conversion System, within 10 rotor distances of the proposed CWECS not owned by the applicant.
10. Location of wetlands, scenic, and natural areas (including bluffs) within 1,320 feet of the proposed CWECS.
11. An Acoustical Analysis that certifies that the noise requirements within these regulations can be met.
12. FAA and FCC permit, if necessary. Applicant shall submit permit or evidence that the permit has been filed with the appropriate agency.
13. Location of all known Communication Towers within two miles of the proposed Wind Energy Conversion System and evidence that there will be no interference with any such commercial and/or public safety communications towers.
14. Decommissioning Plan as required by this ordinance.
15. Description of potential impacts on nearby Wind Energy Conversion Systems and wind resources on adjacent properties.
16. A CWECS shall be located on a parcel that is at least ten (10) acres in size.

17. Setbacks identified as required in Section 8.16.05.

8.16.04 Aggregated Projects

1. Aggregated projects may jointly submit a single application and be reviewed under joint proceedings, including notices, public hearings, reviews and as appropriate approvals.
2. Permits may be issued and recorded separately.
3. Joint projects will be assessed fees as one project.

8.16.05 Setbacks

All towers shall adhere to the setbacks established in the following table:

	Wind Turbine – Non Commercial WECS (residential & small)	Wind Turbine – Commercial/Utility WECS	Meteorological Towers
Property Lines	1.1 times the total height or in an Agricultural or Transitional Agricultural Districts only. In other districts, the setback shall be the distance of the fall zone, as certified by a professional engineer, + 10 feet	1.25 times the total height.	The greater of: The fall zone, as certified by a professional engineer, + 10 feet or 1.1 times the total height.
Neighboring Dwelling Units*		750 feet	The greater of: The fall zone, as certified by a professional engineer, + 10 feet or 1.1 times the total height.
Road Rights-of-Way**	The greater of: The fall zone, as certified by a professional engineer, + 10 feet or one times the total height.	One times the height.	The greater of: The fall zone, as certified by a professional engineer, + 10 feet or one times the total height.
Other Rights-of-Way	The greater of: The fall zone, as certified by a professional engineer, + 10 feet or one times the total height.	The greater of: The fall zone, as certified by a professional engineer, + 10 feet or one times the total height.	The greater of: The fall zone, as certified by a professional engineer, + 10 feet or one times the total height.
Public conservation lands	NA	1320 feet	600 feet
Wetlands, USFW Types III, IV, and V	NA	1320 feet	600 feet
Other structures	NA	The greater of: The fall zone, as certified by a professional engineer, + 10 feet or one times the total height.	The greater of: The fall zone, as certified by a professional engineer, + 10 feet or one times the total height.
Other existing WECS	NA	To be considered based on: <ul style="list-style-type: none"> • Relative size of the existing and proposed WECS • Alignment of the WECS relative to the predominant winds • Topography • Extent of wake interference impacts on existing WECS • Property line setback of existing WECS • Other setbacks required Waived for internal setbacks in multiple turbine projects including aggregated projects	
River Bluffs	NA	1,320 feet	NA

* The setback for dwelling units shall be reciprocal in that no dwelling unit shall be constructed within the same distance required for a commercial/utility Wind Energy Conversion System.

** The setback shall be measured from any future Rights-of-Way if a planned change or expanded right-of-Way is known.

8.16.06 Special Safety and Design Standards

All towers shall adhere to the following safety and design standards:

1. Clearance of rotor blades or airfoils must maintain a minimum of 20 feet of clearance between their lowest point and the ground.
2. All CWECS shall have a sign or signs posted on the tower, transformer and substation, warning of high voltage. Other signs shall be posted on the turbine with emergency contact information.
3. All wind turbines, which are a part of a CWECS, shall be installed with a tubular, monopole type tower.
4. Consideration shall be given to painted aviation warnings on all towers less than 200 feet.
5. The design of the nacelles of turbines and towers shall not use designs or construction methods that provide perches for avian predators.
6. Turbine identification:

- a. Each site access road shall be named according to the City street (or county road) naming convention;
 - b. Each individual turbine shall be designated with a numeric or alphanumeric identifier;
 - c. Each individual turbine shall be labeled with its respective identifier and the name of the access road it is located along; and
 - d. Signage shall be provided at the intersection of each access road with the public right-of-way indicating the towers that may be found along that access road, along with subsequent signage at each road intersection within the site further indicating the direction to specific towers.
7. Wind turbines that are not designed in “accordance with proven good engineering practices” shall be prohibited. Turbines designed with the following characteristics shall be deemed in “accordance with proven good engineering practices:”
- a. at least 3 blades;
 - b. upwind rotor;
 - c. no furling;
 - d. tapered and twisted blades; and
 - e. a well-designed braking system.
8. Color and finish:
- a. All wind turbines and towers that are part of a CW ECS shall be white, grey or another non-obtrusive single color.
 - b. Blades may be black in order to facilitate deicing.
 - c. Finishes shall be matte or non-reflective.
 - d. CW ECS shall not display advertising, except for reasonable identification of the manufacturer, facility owner or operator, which may be placed on the nacelle.
9. Visual Impact
- a. To provide visual order to a WECS facility, all individual turbines shall have the same number of rotor blades and all rotor blades shall spin in the same direction (i.e., clockwise or counter-clockwise) in relation to the wind.
 - b. To promote visual uniformity, all turbines at a similar ground elevation shall have the same height from blade tip to the ground.
 - c. Distinct groupings or clusters of wind turbines shall be limited to no more than 12 machines per cluster. A cluster shall be defined as a grouping of machines that are greater than 1,320 feet (¼ mile) from another grouping.
 - d. In light wind conditions, turbine rotor blades shall not be kept in a locked position except as necessary to meet operational or maintenance requirements;
 - e. Except during construction, re-construction or removal, outdoor storage is not permitted within the facility boundary except at locations that are screened from view, as shown on the approved site plan;
 - f. If turbines become inoperable for any reason, they shall be repaired as soon as reasonably possible;
 - g. To avoid cluttering the skyline, inverters and pendant power cables shall be located inside the wind turbine tower, nacelle or structure;
 - h. No telecommunications dishes, antennas, cellular telephone repeaters or other similar devices shall be attached to wind turbine towers;
 - i. The maximum total height of the turbines shall be 355 feet. Greater height, but not in excess of 400 feet, may be considered on a case by case basis if the applicant can sufficiently demonstrate that the increased height will result in increased energy efficiencies thereby reducing the overall number of turbines in the project. However, in all cases, due consideration shall be given to the scale of the turbines in relation to the surrounding landscape.
10. Lighting:
- a. Lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by the FAA permits and regulations.
 - b. Red strobe lights shall be used during nighttime illumination to reduce impacts on neighboring uses and migratory birds.
 - c. Red pulsating incandescent lights shall be prohibited.
11. All signage shall comply with the sign regulations found in these regulations.
12. All communications and feeder lines installed as part of a CW ECS shall be buried, where feasible.
13. No CW ECS shall exceed 50 dbA at the nearest structure or use occupied by humans.
14. Controls and brakes:

- a. All WECS shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode.
 - b. Stall regulation shall not be considered a sufficient braking system for overspeed protection.
15. Interference.
- a. The applicant shall minimize or mitigate interference with any commercial or public safety electromagnetic communications, such as radio, telephone, microwaves, or television signals caused by any CWECS.
 - b. The applicant shall notify all communication tower operators within five miles of the proposed CWECS location upon application to the City for permits.
16. Roads, applicant shall:
- a. Identify all city, county or townships streets/roads to be used for the purposes of transporting CWECS, substation parts, cement, and/or equipment for construction, operation or maintenance of the CWECS and obtain applicable weight and size permits from the impacted jurisdictions prior to construction.
 - b. Conduct a pre-construction survey, in coordination with the appropriate jurisdictions to determine existing road conditions. The survey shall include photographs and a written agreement to document the condition of the public road/facility.
 - c. Be responsible for restoring or paying damages as agreed to by the applicable jurisdiction sufficient to restore the road(s) and bridges to preconstruction conditions.
17. The applicant shall be responsible for immediate repair of damage to public drainage systems stemming from construction, operation or maintenance of the CWECS.
18. Solid and Hazardous wastes, including but not limited to crates, packaging materials, damaged or worn parts, as well as used oils and lubricants, shall be removed from the site promptly and disposed of in accordance with all applicable local, state and federal regulations.

8.16.07 *Building-Mountable Wind Turbines (BMWT)*

A BMWT and its essential support facilities shall be allowed as a permitted accessory use when attached to the principle structure in any zoning district subject to the following:

1. A simple site plan shall be submitted for each BMWT providing the following information:
2. Mounting location of the BMWT on the principle structure.
3. Description of the BMWT height and width, including a photo (if available) or other visual representation.
4. BMWT shall not exceed 60 dBA, as measured at the closest property line. The level, however, may be exceeded during short-term events such as utility outages and/or severe windstorms.
5. BMWT shall comply with the maximum height requirement of the zoning district in which it is located. Applicants proposing an installation higher than allowed by the zoning district in which it will be located may apply for a variance to the Zoning Board of Adjustment.
6. No BMWT may occupy, encroach or “overhang” any public right-of-way without the expressed approval of the City of Springfield.
7. Each BMWT installation shall require a separate building permit.

8.16.08 *Noise and Shadow Flicker*

1. Audible sound from a WECS facility shall not exceed 50 dbA if it is determined a pure tone is generated by the facility, as measured at the exterior of any occupied building on a non-participating landowner's property. Methods for measuring and reporting acoustic emissions from the WECS facility shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1 (1989) titled *Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier*.
2. The Facility owner and Operator shall make reasonable efforts to minimize shadow flicker to any occupied building on a non-participating landowner's property.

8.16.09 *Use of Public Roads; Bond Required*

The property owner of a CWECS facility shall be responsible for extraordinary maintenance and restoration of all City roads leading to the project site that may be damaged during construction or

due to activities involving the CWECS facility unless the property owner can prove that operation of the CWECS facility was not the cause of the roadway damage. All maintenance and restoration of roads shall be done with the approval of and to the satisfaction of the Public Works Director. The following information shall be submitted along with an application for a CWECS Permit:

1. Detailed maps of access and haul routes;
2. If weight and size permits are required by the Nebraska Department of Roads, a pre-construction baseline survey shall be provided to document and determine existing road conditions;
3. A report on potential road damage that may result from the construction and maintenance of the CWECS facility;
4. If, in the discretion of the Public Works Department, road damage may occur, a road damage mitigation plan and/or long-term road maintenance agreement shall be submitted, which shall include a bond, escrow, security agreement, or other form of guarantee approved by the City Attorney, in an amount determined by the Public Works Director to be sufficient to guarantee the necessary restoration or extraordinary maintenance required due to the construction or operation of the CWECS facility; and
5. If impacts may occur to public roads in other jurisdictions, the Applicant shall give notice to such other jurisdictions, providing information regarding road impacts, and submit to the Public Works Department proof that such notice was given.

8.16.10 *Decommissioning Plan; Bond Required*

1. The facility owner and operator shall, at its expense, complete decommissioning of the CWECS facility, or individual turbines, within six months after the end of the useful life of the facility or individual turbines. The CWECS facility or individual turbines will presume to be at the end of their useful life if no electricity is generated for a continuous period of 12 months. A decommissioning plan shall be submitted with an application for a CWECS permit, which shall document:
 - a. The removal of turbines, buildings, cabling, electrical components, roads, foundations to a depth of four feet within 180 days;
 - b. Grading and re-seeding all disturbed earth;
 - c. A report prepared by an independent professional engineer licensed in the State of Nebraska that estimates the total cost of decommissioning ("Decommissioning Costs") without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment ("Net Decommissioning Costs"). Said estimates shall be submitted to the City of Springfield after the first year of operation and every fifth year thereafter.
 - d. The facility owner or operator shall post and maintain Decommissioning Funds in an amount equal to Net Decommissioning Costs, provided, at no point shall Decommissioning Funds be less than 25 percent of Decommissioning Costs. The Decommissioning Funds shall be posted and maintained as a bond, escrow, security agreement, or other form of guarantee approved by the City Attorney.
 - e. If the facility owner or operator fails to complete decommissioning within the period prescribed herein, then the landowner shall have six months to complete decommissioning.
 - f. If neither the facility owner or operator, nor the landowner complete decommissioning within the periods prescribed herein, then the City of Springfield may take such measures as necessary to complete decommissioning.
 - g. An easement allowing the City of Springfield access to the project site, pursuant to reasonable notice, to effect or complete decommissioning.
 - h. The escrow agent shall release the Decommissioning Funds when the facility owner or operator has demonstrated and the City of Springfield concurs that decommissioning has been satisfactorily completed, or upon written approval of the City of Springfield in order to implement the decommissioning plan.
 - i. An agreement that the City of Springfield is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the right to seek reimbursement from the facility owner or operator, or property owner, for decommissioning costs in excess of the amount guaranteed, and to file a lien against any real estate owned by the facility owner or operator, or property owner, or in which they have an interest, for the amount of the excess, and to take all steps allowed to enforce such lien.
2. Financial provisions shall not be so onerous as to render CWECS facilities unfeasible in the City of Springfield.

8.16.11 *Repair; Abandonment; Removal*

Small Wind Energy Conversion Systems: Any SWECS found to be unsafe by the Building Official shall be repaired by the owner to meet federal, state and local safety standards, or removed within six months. If any SWECS is not operated for a continuous period of 12 months, the City shall notify the landowner by registered mail that such SWECS is deemed abandoned, and provide 45 days for a response. In their response, the landowner shall set forth reasons for the operational difficulty and provide a timetable for corrective action not exceeding six months. If the corrective action is not completed within six months, the City shall notify the landowner that such SWECS shall be removed within 12 days of receipt of the notice.

8.16.12 *Liability Insurance*

For each CWECs facility, there shall be maintained a current general liability policy covering bodily injury and property damage with limits of at least \$1 million per occurrence and \$1 million in the aggregate. Copies of such certificates shall be made available to the City of Springfield upon request.

Section 8.17 Sexually Oriented Business

8.17.01 Purpose and Intent

It is the purpose of this section to regulate sexually oriented businesses to promote the health, safety, morals and general welfare of the citizens of the city, and to establish reasonable and uniform regulations to prevent the concentration of sexually oriented businesses within the city's jurisdiction. The provisions of these regulations have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of these regulations to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.

8.17.02 Definitions

As used in this section, the following terms shall have the meanings indicated:

Adult Arcade: Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion-picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."

Adult Bookstore or Adult Video Store: A commercial establishment which as one of its principal business purposes offers for sale or rental for any form of consideration any one or more of the following:

1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes or video reproductions, slides or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas"; and/or
2. Instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities."

A commercial establishment is not exempt from being categorized as an "Adult Bookstore" or "Adult Video Store" so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe "specified sexual activities" or "specified anatomical areas."

Adult Cabaret: A night club, bar, restaurant or similar commercial establishment which regularly features:

1. Persons who appear in a state of nudity; or
2. Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
3. Films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

Adult Companionship Establishment: Shall mean an establishment which provides the service of engaging in or listening to conversation, talk or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

Adult Entertainment Establishment: Shall mean any business which offers its patrons services, products or entertainment characterized by an emphasis on matter depicting, exposing, describing, discussing or relating to "specified sexual activities" or "specified anatomical areas," including, but without limitation, adult bookstores, adult motion picture theaters, adult saunas, adult companionship establishments, adult health clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotel or motel, adult internet industries, adult massage parlor/health club, and adult body painting studios.

Adult Internet Industries: Shall mean any business within an enclosed building or outdoors that is producing materials for distribution on the Internet of an adult nature, including live video streaming, tape delayed video broadcasts, live simulcasting, still photographs, audio broadcasts, animated video or hard copy. Said uses are intended for viewing by other parties while on-line and for a specified charge.

Adult Massage Parlor, Health Club: Shall mean a massage parlor or health club which restricts minors by reason of age, and which provides the services of massage, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

Adult Mini-Motion Picture Theater: Shall mean a business premises within an enclosed building with a capacity for less than 50 persons used for presenting visual-media material if such business as a prevailing practice excludes minors by virtue of age, or if said material is distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

Adult Motion Picture Arcade: Shall mean any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motor picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing "specified sexual activities" or "specified anatomical areas."

Adult Motion Picture Theaters: Shall mean a business premises within an enclosed building with a capacity of 50 or more persons used for presenting visual media material if said business as a prevailing practice excludes minors by virtue of age, or if said material is distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

Adult Novelty Business: Shall mean a business which has as a principal activity the sale of devices which simulate human genitals or devices, which are designed for sexual stimulation.

Adult Sauna: Shall mean a sauna which excludes minors by reason of age, or which provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent, if the service provided by the sauna is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

Adult Motel: A hotel, motel or similar commercial establishment which:

1. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or
2. Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or

3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

Adult Store: A commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration instruments, devices, “adult toys,” or paraphernalia which are designed for use in connection with “specified sexual activities.”

A commercial establishment is not exempt from being categorized as an “Adult Store” so long as one of its principal business purposes is the offering for sale of instruments, devices, “adult toys,” or paraphernalia which are designed for use in connection with “specified sexual activities.”

Adult Theater: A theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

Business: An enterprise or entrepreneurial activity located in the City of Springfield’s jurisdiction, which includes all types of vocations, occupations, professions, enterprises, establishments (including sales of tangible personal property and furnishing of services), together with all devices, machines, vehicles and appurtenances used therein, any of which are conducted for private profit, gain, pecuniary benefit or advantage, either directly or indirectly.

Chief of Police: The Chief of Police of the City of Springfield or its designated agent.

City: City of Springfield, Nebraska located in Sarpy County.

Employee: Means a person who works or performs in and/or for a sexually oriented business, regardless of whether or not said person is paid a salary, wage, or other compensation by the operator of said business.

Escort: A person who, for consideration, agrees or offers to act as a companion, guide or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

Escort Agency: A person or business association who furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes, for a fee, tip or other consideration.

Establishment: Includes any of the following:

1. The opening or commencement of any sexually oriented business as a new business.
2. The conversion of any existing business, whether or not a sexually oriented business, to any sexually oriented business.
3. The addition of any sexually oriented business.
4. The relocation of any sexually oriented business.

Expiration Date: Shall mean midnight of the date one (1) year after the license was issued.

Licensee: Any person, individual, partnership, corporation, firm, estate, trust, association, joint venture or other entity which a license to operate a sexually oriented business has been issued, as well as those listed as an applicant on the application for a license.

License Year: The period from the date of issuance to one (1) year after the license was issued.

Nude Model Studio: Shall mean any place where a person who appears semi-nude, in a state of nudity, or who displays specified anatomical areas and is provided to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons who pay money or any form of consideration. Nude model studio shall not include a college, community college, or university supported entirely or in part by public money, or a private college or university which maintains and operates educational programs in which credits are transferable to a college, community college, or university supported entirely or partly by public money, or in a structure or private studio operated by the college or university:

1. That has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing;

2. Where, in order to participate in a class, a student must enroll at least three days in advance of the class; and
3. Where no more than one nude or semi-nude model is on the premises at any one time.

Nudity or State of Nudity:

1. The appearance of a human bare buttocks, anus, male genitals, female genitals or female breasts; or
2. The state of dress which fails to opaquely cover a human buttock, anus, male genitals, female genitals or areola of the female breast.

Operates or Causes to be Operated: To cause to function or to put or keep in operation. A person may be found to be operating or causing to be operated a sexually oriented business whether or not that person is an owner, part owner or licensee of the business.

Person: An individual, proprietorship, partnership, corporation, association or other legal entity.

Premises: All lands, structures, lodges, stores, offices, sales rooms, warehouses and the equipment and appurtenances connected or used therewith in any business, and also any personal property which is either affixed to or is otherwise used in connection with any such business within the city's jurisdiction which is owned, leased or occupied by the business.

Principal Business Purpose (Factors Determining): A primary factor which shall be considered in determining the "principal business purpose" shall be whether the business publicly advertises such materials either through media or signs located on the exterior of its premises or signs located inside the business that can be seen from the exterior. Additional factors which may be considered are the gross income generated by adult materials compared to over-all gross income, and the amount of floor space, both retail and storage, devoted to adult materials.

Semi-Nude: A state of dress in which clothing covers no more than the genitals, pubic region and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

Sexual Encounter Center: A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

1. Physical contact in the form of wrestling or tumbling between the opposite sex; or
2. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

Sexually Oriented Business: An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion-picture theater, adult theater, escort agency, nude model studio or sexual encounter center.

Specified Anatomical Areas: Shall mean and include any of the following:

1. Human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola, that are not completely and opaquely covered; or
2. Human male genitals in a discernibly turgid state even if completely and opaquely covered.

Specified Sexual Activities: Shall mean activities consisting of the following:

1. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following sexually-oriented acts of conduct: Anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zoerasty; or
2. Clearly depicted human genitals in the state of sexual stimulation, arousal, or tumescence; or
3. Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation; or
4. Fondling or touching of nude human genitals, pubic region, buttocks, or female breast(s); or
5. Situation involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing costumes, and who are engaged in activities involving the flagellation, torture, fettering, binding, or other physical restraint or any such persons; or

6. Erotic or lewd touching, fondling, or other sexually-oriented contact with an animal by a human being; or
7. Human excretion, urination, menstruation, vaginal, or anal irrigation.

Substantial Enlargement: Of a sexually oriented business means the increase in floor area occupied by the business by more than 25% as the floor area exists.

Transfer of Ownership or Control: Of a sexually oriented business means and includes any of the following:

1. The sale, lease or sublease of the business;
2. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means; or
3. The establishment of a trust, gift or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

8.17.03 Classification

Sexually oriented businesses are classified as they exist on the effective date of these regulations as follows:

1. Adult arcades;
2. Adult bookstores or adult video stores;
3. Adult cabarets;
4. Adult motels;
5. Adult motion-picture theaters;
6. Adult theaters;
7. Escort agencies;
8. Nude model studios; and
9. Sexual encounter centers

8.17.04 Location of Sexually Oriented Businesses

1. A person commits a misdemeanor if he/she operates or causes to be operated a sexually oriented business outside of a designated Light Industrial District (LI) District. All sexually oriented businesses shall be located within a Light Industrial District (LI) District as a conditional permitted use.
2. A person commits an offense if he/she operates or causes to be operated a sexually oriented business within 1,000 feet of:
 - a. A church;
 - b. A public or private elementary or secondary school;
 - c. A boundary of a residential or historic district;
 - d. A park and/or recreational trail;
 - e. A property line of a lot devoted to a residential use;
 - f. A hospital; or
 - g. A fairgrounds
3. A person commits an offense if he/she causes or permits the operation, establishment, substantial enlargement or transfer of ownership or control of a sexually oriented business within 2,500 feet of another sexually oriented business.
4. A person commits an offense if he/she causes or permits the operation, establishment or maintenance of more than one sexually oriented business in the same building, structure or portion thereof, or the increase of floor area of any sexually oriented business in any building, structure or portion thereof containing another sexually oriented business.
5. For the purposes of Subsection 2, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church, public or private elementary or secondary school, or hospital or to the nearest boundary of an affected public park, residential district, historic district or residential lot.

6. For purposes of Subsection 3 of this section, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.
7. Any sexually oriented business lawfully operating on the effective date of these regulations that is in violation of Subsections 1, 2, 3 or 4 of this section shall be deemed a nonconforming use. The nonconforming use will be permitted to continue for a period not to exceed three years, unless sooner terminated for any reason or voluntarily discontinued for a period of 30 days or more. Such nonconforming uses shall not be increased, enlarged, extended or altered, except that the use may be changed to a conforming use. If two or more sexually oriented businesses are within 2,500 feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the later-established business(es) is nonconforming.
8. A sexually oriented business fully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually oriented business license, of a church, public or private elementary or secondary school, public park, residential district, historic district, residential lot or hospital within 300 feet of the sexually oriented business. This provision applies only to the renewal of a valid license, and does not apply when an application for a license is submitted after a license has expired or has been revoked.

8.17.05 Appeals, Exemption from Location Restrictions

1. If the City denies the issuance of a license to an applicant because the location of the sexually oriented business establishment is in violation of Section 8.17.04, then the applicant may, not later than 10 calendar days after receiving notice of the denial, file with the City Clerk a written request for an exemption from the locational restrictions of Section 8.17.04.
2. If the written request is filed with the City Clerk within the ten-day limit, the City Council, shall consider the request. The City Clerk shall set a date for the hearing within 60 days from the date the written request is received.
3. A hearing by the City Council may proceed if at least three of the City Council members are present. The City Council shall hear and consider evidence offered by any interested person. The formal rules of evidence do not apply.
4. The City Council may, in its discretion, grant an exemption from the locational restrictions of Section 8.17.04 if it makes the following findings:
 - a. That the location of the proposed sexually oriented business will not have a detrimental effect on nearby properties or be contrary to the public safety or welfare;
 - b. That the granting of the exemption will not violate the spirit and intent of these regulations;
 - c. That the location of the proposed sexually oriented business will not downgrade the property values or quality of life in the adjacent areas or encourage the development of urban blight;
 - d. That the location of an additional sexually oriented business in the area will not be contrary to any program of neighborhood conservation nor will it interfere with any efforts of urban renewal or restoration; and
 - e. That all other applicable provisions of these regulations will be observed.
5. The City Council shall grant or deny the exemption by a majority vote. Failure to reach a majority vote shall result in denial of the exemption. Disputes of fact shall be decided on the basis of a preponderance of the evidence. The decision of the City Council is final.
6. If the City Council grants the exemption, the exemption is valid for one year from the date of the City Council's action. Upon the expiration of an exemption, the sexually oriented

business is in violation of the location restrictions of Section 8.17.04 until the applicant applies for and receives another exemption.

7. If the City Council denies the exemption, the applicant may not reapply for an exemption until at least 12 months have elapsed since the date of the City Council's action.
8. The grant of an exemption does not exempt the applicant from any other provisions of these regulations other than the locational restrictions of Section 8.17.04.

8.17.06 Signs for Sexually Oriented Businesses

1. No sign for a sexually oriented business shall contain flashing lights, words, lettering, photographs, silhouettes, drawings or pictorial representations that emphasize specified anatomical areas or specified sexual activities.
2. In addition to complying with all city of Springfield sign regulations, a sexually oriented business shall display a sign, clearly visible and legible at the entrance to the business, that gives notice of the adult nature of the sexually oriented business and of the fact that the premises is off limits to minors or those under the age of 21 years, as the case may be.

Section 8.18 Outdoor Containers

8.18.01 Location:

Containers shall be located to the rear 50 percent of the site. Containers shall not be located in any required setback or yard area, required landscape area, required drive aisle, driveway, or parking area. Containers shall not encroach upon spaces necessary to satisfy the minimum parking requirement, nor shall they block, impede, or divert traffic in or access to emergency, snow removal, circulation and fire lanes. Containers shall not be stacked upon one another and shall be located an appropriate distance from all structures, in accordance with the Fire Code.

8.18.02 Condition:

The exterior of the storage containers shall be kept free of rust, holes, dents, or other corrosion and shall be painted or otherwise maintained such that they are consistent with the character of adjacent buildings, and secured at all times.

8.18.03 Use:

At no time shall an outdoor storage container be used as a place of business or residence, nor shall a container house, store, or contain goods, products, or materials other than those that are accessory and essential to daily on-site use and operation of the principal building or business requesting the conditional use permit.

8.18.04 Time Period:

Permitted conditional use permits for storage containers shall be allowed for (1) year. Renewals are subject to Planning Commission and Council approval. Storage containers must be removed no later than five (5) working days after the expiration of the permit.

8.18.05 Exemptions:

The temporary use of construction trailers or containers at a building site is exempt from this requirement.

Section 8.19 Wellhead Protection

It shall be unlawful for any person or persons to locate, construct, modify or perform activities in such a manner that may cause biological, chemical or radioactive contamination of underground or surface water sources supplying an existing Springfield municipal well.

It shall be unlawful for any person or persons to locate, construct, modify or perform the following items or activities within the distances specified below, said distances being horizontal distances in feet separating the existing Springfield municipal well from potential sources.

Non-Potable Water Well	1,000 Feet
Sewage Lagoon	1,000 Feet

Absorption or Disposal Field for Waste	500 Feet
Cesspool	500 Feet
Dump	500 Feet
Feedlot or Feedlot Runoff	500 Feet
Corral	500 Feet
Pit Toilet	500 Feet
Sanitary Landfill	500 Feet
Chemical or Petroleum Product Storage	500 Feet
Septic Tank	500 Feet
Sewage Treatment Plant	500 Feet
Sewage Wet Well	500 Feet
Sanitary Sewer Connection	100 Feet
Sanitary Sewer Manhole	100 Feet
Sanitary Sewer Line	50 Feet
Sanitary Sewer Line (Permanently Water Tight)	10 Feet

In the event surface runoff or underground movement from potential sources of contamination adversely affect the quality of water from such supplies, the distance separating these potential sources of contamination and the existing Springfield municipal well shall be greater than that listed above. The City of Springfield reserves the right to obtain proper distance recommendations from a qualified engineer and/or expert of their choice.

Section 8.20 Maximum Impervious Coverage

Maximum Impervious Coverage Percentages for Springfield

Zoning District	Permitted Residential Uses	Other Permitted Uses
Agricultural Residential (AR)	NA	NA
Rural Arts District (RT)	NA	NA
R100 Single-Family Residential (R100)	45%	40%
R92 Single-Family Residential (R92)	45%	40%
R87 Single-Family Residential (R87)	55%	55%
R50 Two-Family Residential (R50)	55%	55%
R30 General Family Residential (R30)	65%	55%
Residential Business (RB)	65%	75%
Modified Residential (M)	60%	60%
Mixed Use (MU)	65%	80%
Downtown Commercial (DC)	100%	100%
General Business (BG)		90%
Highway Business (BH)		70%
Business Park (BP)		70%
Light Industrial (LI)		90%

ARTICLE 9: LANDSCAPING AND FENCING REQUIREMENTS

Section 9.01 Intent

The intent of the landscaping requirements are to improve the appearance of lot areas and soften paved areas and buildings; to provide a buffer between differing land uses; to minimize the adverse effect of uses from one another; to minimize the effect of heat, noise and glare; to conserve the value of property and neighborhoods within the community; and to enhance the physical environment within the City of Springfield by ensuring that yards, open spaces, parking lots and those areas abutting public rights-of-way are designed, installed and maintained in accordance with the provisions of this section.

Property development shall consider and respect land capabilities and constraints, minimize erosion and destruction of natural amenities and provide a buffer between differing land uses.

Section 9.02 Application and Scope

The provisions of the section shall apply to all new construction and development including, but not limited to, structures, dwellings, buildings, parking lots, residential subdivisions, office parks, shopping centers, and redevelopment for which either a building or zoning permit approval is required, except the following:

- 9.02.01 Agricultural buildings, structures and uses.
- 9.02.02 Additions, remodeling or enlargements of existing uses or structures provided that the enlargement of surface parking is more than 4,000 square feet shall not be excepted. Where such enlargement is less than 4,000 square feet, the provisions of this section shall apply only to that portion of the lot or site where the enlargement occurs.
- 9.02.03 Where there is more than one lot or site being developed together as one unit with common property lines, the entire site shall be treated as one lot or site for the purpose of conforming to the requirements of this section.
 1. When a lot or site with more than one ownership has been partially developed at the time of the adoption of this section. The application of the requirements of this section shall be determined by the City.

Section 9.03 Landscaping Requirements

Landscaping shall be required and provided as follows:

- 9.03.01 Single-family and two-family dwellings shall provide and maintain a minimum of 30 percent of lot area as a permeable and uncovered surface that contains living material. Single-family and two-family dwellings shall be exempt from all other requirements of this section.
- 9.03.02 Street Frontage:

A landscaped area having a minimum depth of 15 feet from the property line shall be provided along the street frontage of all lots or sites including both street frontage of corner lots.

 1. The required landscaped area of 15 feet may be reduced to 10 feet if an equal amount of square feet of landscaped area, exclusive of required side and rear yard landscaped areas, is provided elsewhere on the site.
 2. Exclusive of driveways and sidewalks not more than 25 percent of the surface of the landscaped area shall have inorganic materials such as brick, stone, concrete, asphalt, aggregate, metal or artificial turf.
 3. A minimum of one tree, of a minimum two inch caliper, shall be planted for every 40 lineal feet or fraction thereof.
- 9.03.03 Side Yard:

A landscaped area having a minimum depth of 10 feet from the property line shall be provided along the side yard abutting any Residential District.

 1. Exclusive of driveways and sidewalks, not more than 10 percent of the surface of the landscaped area shall be inorganic materials such as brick, stone, concrete, asphalt, aggregate, metal or artificial turf. If the slope of ground within the landscape area exceeds 2:1, not more than 50 percent of the surface shall be inorganic material.
 2. Landscaping shall include a hedge screen or a random or informal screen of plant materials substantially blocking the views and attaining a minimum height of six feet within four years. A landscaped earth berm not exceeding six feet in height may be used in combination with the plant materials.
 3. A six foot solid wood and/or masonry fence or wall, may be used in lieu of or in combination with the plant materials required in section 9.04.01 (2).

9.03.04 Rear Yard:

A landscaped area having a minimum depth of 10 feet from the property line shall be provided along the rear yard abutting any Residential District or AR or RT District.

1. The landscape requirements for the rear yard shall be the same as for the side yard described in section 9.03.03.

9.03.05 Off-Site Parking Lots:

Parking lots not located on the property where the use served is located, shall conform to this section provided that a parking lot with an area of 4,000 square feet or less shall be exempt from the requirements of this section.

9.03.06 Parking Area Interior Landscaping:

Off-street parking lots, as defined in 9.05, and other vehicular use areas shall have at least five percent of the total area utilized for parking space excluding those spaces abutting a perimeter for which landscaping is required by other sections of this Ordinance, and excluding all parking spaces which are directly served by an aisle abutting and running parallel to such perimeter.

The front of a vehicle may encroach upon any interior landscaped area when said area is at least four feet in depth per abutting parking space and protected by curbing. Two feet of said landscaped area may be part of the required depth of each abutting parking space. No more than two drive aisles shall be placed parallel to one another without an intervening planter aisle of at least four feet in width; eight feet is required if parking spaces overlap the curbs of the aisle.

9.03.07 Perimeter Landscaping:

All commercial office and industrial developments, buildings, or additions thereto shall provide perimeter landscaping to include a minimum of one tree for each 40 lineal feet of street or lot frontage or fraction thereof. Such landscaped area shall consist of sufficient area for the species of tree to be planted. Other perimeter landscaping shall require approval of the City.

9.03.08 Exterior lighting:

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.

9.03.09 Plant Materials:

Landscape living plant materials shall consist of trees, shrubs, ground covers, vines, grasses, flowers, and any other plants.

1. The plant nomenclature shall conform with the recommendations and requirements of the "American Standard for Nursery Stock", as amended, published by the American Association of Nurserymen, Inc.
2. Size. The minimum size of plant materials to be installed shall be as follows:
 - A. Deciduous trees having a mature height of 20 feet or less shall have a minimum caliper of one and one-fourth inches.
 - B. Deciduous trees having a mature height of more than 20 feet shall have a minimum caliper of one and one-half inches.
 - C. Evergreen (conifer) trees shall have a minimum height of three feet.
 - D. Deciduous shrubs shall have a minimum height of 18 inches.
 - E. Evergreen shrubs shall have a minimum spread of 18 inches.

9.03.10 Planting Schedule:

The plant materials shall be installed prior to the issuance of the certificate of occupancy. If, because of seasonal reasons, the landscaping cannot be installed, a surety satisfactory to the City of Springfield equal to the contract cost shall be submitted to the City. The City shall release the surety when the plant materials have been installed. If the plant materials have not been installed within 12 months of the effective date of the certificate of occupancy, the City may install the required landscaping.

9.03.11 Required Plans:

Upon application of a building permit, a landscape-planting plan shall be submitted to the City of Springfield for review and approval.

1. Three copies of the plan shall be submitted.

2. The plan shall include, but not be limited to, the following:
 - A. Property lines and other physical features necessary to show the proposed installation of plants.
 - B. The location and spacing of plant materials.
 - C. The scientific name, common name, plant size, quantity and planting method.
 - D. The plan shall have a scale of not more than one-inch equals 100 feet.
 - E. When necessary, existing and proposed contours shall be provided.

Section 9.04 Fences and Retaining Walls

9.04.01 **General Provisions—Residential.** In Residential Districts, it shall be unlawful for fences, walls, or similar structures to be constructed or maintained, except as provided in this Section, and after a permit is issued by the city.

1. *Front Yard:* No fence, wall, or similar structure may be built in a front yard except on or within the front setback line. The structure shall not exceed three and one-half (3 ½) feet in height.
2. *Side Yard:* A fence, wall, or similar structure may be erected to a maximum height of six (6) feet.
3. *Rear Yard:* A fence, wall, or similar structure may be erected to a maximum height of six (6) feet. (See also Street Side Requirements)
4. *Street Side Requirements:* A fence, wall, or similar structure may be built along a street side provided that the structure shall be constructed on or within a five (5) foot setback from the property line.
5. *Street Corner Visual Triangle:* No fence shall be built within the triangle of land formed by lines beginning at the point of intersection of the two (2) street-side lot lines of the corner lot, then proceeding along such lines for a distance of twenty (20) feet, the third side of which triangle of land is formed by drawing a line between the two (2) points which are on the front lot lines, and are 20 feet distant from the point of intersection of the two (2) front lot lines, trees shall be trimmed up eight (8) feet above the ground; but in no case shall such foliage or shrubbery be planted or maintained in such triangular area which will materially obstruct the view of drivers of vehicles approaching the intersection.
6. *Property Lines:* Fences may be constructed at the property line unless otherwise stated.
7. *Support Structures:* The support structure (e.g., posts) for any fence face the interior of the lot upon which the fence is constructed.
8. *Prohibited Fences:* Electric fences and barbed wire fences are prohibited in all residential zoned districts except Agriculture Residential (AR) District.

9.04.02 **General Provisions—Non-Residential.** In the non-residential zoning districts, it shall be unlawful for fences, walls, or similar structures to be constructed or maintained, except as provided in this Section, and after a permit is issued by the city.

1. *Front Yard:* No fence, wall, or similar structure shall be built in a front yard.
2. *Side Yard and Rear Yard:* The maximum height of a fence for any permitted use in any non-residential zoning district shall be eight (8) feet. (See also Street Side Requirements)
3. *Street Side Requirements:* A fence, wall, or similar structure may be built along a street side provided that the structure shall be constructed on or within a five (5) foot setback from the property line. Should the zoning district require a zero (0) foot building setback, the fence may be built on or within the property line. The maximum height of a structure shall be eight (8) feet.
4. *Civic Uses in Residential Districts:* The maximum height of fences installed as part of Primary and Secondary Educational Facilities or Park and Recreation Use Types within Residential Zoning District shall be eight (8) feet. (See also Street Side Requirements)

5. *Waiving of Height Requirement:* The Board of Adjustment may approve greater fence heights on a case-by-case basis if it concludes that such permission furthers the health, safety, and welfare of the residents of the City of Springfield.
6. *Street Corner Visual Triangle:* No fence shall be built within the triangle of land formed by lines beginning at the point of intersection of the two (2) street-side lot lines of the corner lot, then proceeding along such lines for a distance of twenty (20) feet, the third side of which triangle of land is formed by drawing a line between the two (2) points which are on the front lot lines, and are 20 feet distant from the point of intersection of the two (2) front lot lines, trees shall be trimmed up eight (8) feet above the ground; but in no case shall such foliage or shrubbery be planted or maintained in such triangular area which will materially obstruct the view of drivers of vehicles approaching the intersection.
7. *Property Lines:* Fences may be constructed at the property line unless otherwise stated.
8. *Support Structures:* The support structure (e.g., posts) for any fence shall face the interior of the lot upon which the fence is constructed.
9. *Barbed Fencing:* Barbed wire fences may be used in the construction of perimeter security fencing in an industrial district, for communication facilities, or for municipal facilities provided that the bottom strand of the wire shall be at least six (6) feet above ground level. The use of barbed wire in security fencing when adjacent to residential zoned property shall be by conditional use. Farm fencing constructed for agricultural purposes on parcels of land five acres or more in the AR District is exempt.
10. *Prohibited Fences:* Electric fences are prohibited in non-residential districts, except in the AR District for agricultural uses.

9.04.03 **Facing.** The finished surface of all fences shall face toward adjoining property or street frontage. However, in the case of two or more property owners wishing to share a common fence line between their properties, said property owners shall jointly determine upon which side of the common fence line the finished face of the fence shall be placed. Such determination shall be consistent for the entire length of the common fence line.

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

9.04.05 **Violations; Penalty.** Any person, or any person's agent or servant, who violates any of the provisions of this section, unless otherwise specifically provided herein, shall be deemed guilty of an offense and upon conviction thereof shall be fined in any sum not exceeding five hundred dollars (\$500.00). A new violation shall be deemed to have been committed every twenty-four (24) hours of failure to comply with the provisions of this section.

Section 9.05 Screening Requirements

9.05.01 All parking areas or vehicular use areas abutting a residential district or public right-of-way shall be screened from grade level to a height not less than three feet.

9.05.02 All commercial and industrial uses that abut residential or office districts shall provide screening not less than six feet in height along the abutting property line(s).

9.05.03 Screening required by this section shall be equivalent to the following:

1. Solid fences or walls as approved by the City on the final development plan.
2. Hedges, shrubs, or evergreen trees of 36 inches in height at planting spaced appropriately to provide a solid screen within three years after planting.
3. Berms of not less than three feet in height and that provide a maximum slope of 3:1 for easy maintenance. Such berms may be used in conjunction with plantings to achieve the solid visual screen as described in Section 9.03.
4. All projects except one-and-two family dwellings shall include a detailed drawing on the landscape plan indicating the method of enclosure and screening to be used on trash dumpsters. All dumpsters or trash bins shall maintain a solid six-foot enclosure around each unit. Said enclosure shall be constructed of materials complementary to the principal structure.
5. All plant material used for screening shall meet the standards in section 9.03

Section 9.06 Installation and Maintenance of Landscaping and Screening**9.06.01 Installation:**

All landscaping shall be installed in a sound workmanship like manner and according to accepted good planting procedures. Landscaped areas shall require protection from vehicular encroachment. All above-ground landscaping material and structures located in street/road right-of-way, excluding grass, shall be located at least two (2) feet from back side of curb. The Building Inspector shall inspect all landscaping and no certificates of occupancy or similar authorization will be issued unless the landscaping meets the requirements herein provided. Temporary occupancy permits may be issued due to weather related conditions upon approval by the Building Inspector.

9.06.02 Maintenance:

The owner, developer, tenant and/or their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping. All required landscaping shall be maintained in a healthy condition by necessary and appropriate measures. When replacement is necessary all plants and other non-living landscape materials shall be equal in size, density and appearance, at maturity, to those items requiring replacement when feasible. Underground sprinkler systems are encouraged to serve all landscaped areas except individual one and two family dwellings unless an equivalent watering system is approved by the Building Inspector.

All required screening and fencing shall be maintained and, whenever necessary, replaced with materials that provide equivalent size, density, and appearance. All landscaping and screening shall be kept free from refuse and debris so as to present a healthy, neat and orderly appearance. Turf grass shall be maintained on all areas not covered by other landscaping, parking, drives, buildings, or similar structures. Existing yards shall be maintained with grass or other approved ground cover.

Section 9.07 Preliminary Plan Approval

A landscape plan indicating both proposed and existing landscaping and screening shall be submitted, with the preliminary plat, or preliminary site plan for development, for review and recommendation by City Staff. Said Plan shall be in sufficient detail to provide the City with a reasonable understanding of what is being proposed. Site calculations used in computing quantities shall also be submitted which are proposed to be used to satisfy the required amounts of landscaping.

Section 9.08 Final Plan Approval

A detail listing of all plant materials to be used, quantities, size, and spacing shall be submitted to the City on separate sheets for review and recommendation and approval by the City Staff along with a planting schedule at final development plan submission.

Section 9.09 Parking Lot Plan Approval

A final site development plan shall be submitted to the City with the necessary landscaping and screening required herein for each of the following types of parking lot improvements:

9.09.01 New construction.

9.09.02 Expansion of existing facilities.

9.09.03 Maintenance of existing facilities where an overlay is proposed at which time the landscaping and screening shall be required. Modifications to the required parking lot landscaping and screening may be granted by the Planning Commission after review of submitted plans and in consideration of surrounding uses.

9.09.04 No parking lot shall be exempted from these regulations; unless previously exempted.

ARTICLE 10: BOARD OF ADJUSTMENT

Section 10.01 Members, Terms and Meetings

Pursuant to Section 19-908, Reissue Revised Statutes of 1943 (in full): The board of adjustment shall consist of five regular members, plus one additional member designated as an alternate who shall attend and serve only when one of the regular members is unable to attend for any reason, each to be appointed for a term of three years and removable for cause by the appointing authority upon written charges and after public hearings. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. One member only of the board of adjustment shall be appointed from the membership of the planning commission, and the loss of membership on the planning commission by such member shall also result in his or her immediate loss of membership on the board of adjustment and the appointment of another planning commissioner to the board of adjustment. After September 9, 1995, the first vacancy occurring on the board of adjustment shall be filled by the appointment of a person who resides in the extraterritorial zoning jurisdiction of the City at such time as more than two hundred persons reside within such area. Thereafter, at all times, at least one member of the board of adjustment shall reside outside of the corporate boundaries of the City but within its extraterritorial zoning jurisdiction. The board of adjustment shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to sections 19-901 to 19-914. Meetings of the board shall be held at the call of the chairperson and at such other times as the board may determine. Such chairperson, or in his or her absence the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

Section 10.02 Appeals to Board, Record of Appeal, Hearings and Stays

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

Section 10.03 Powers and Jurisdiction on Appeal

The Board of Adjustment shall have the following powers:

- 10.03.01 To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official or agency based on or made in the enforcement of any zoning regulation or any regulation relating to the location or soundness of structures;
- 10.03.02 To hear and decide, in accordance with the provisions of this Ordinance, requests for interpretation of any map, or for decisions upon other special questions upon which the Board is authorized by this Ordinance to pass; and
- 10.03.03 To grant variances, where by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of enactment of this Ordinance, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation under this Ordinance would result in peculiar and exceptional practical difficulties to or exceptional and undue hardships upon the owner of such property, to authorize, upon an appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardship, if such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Ordinance.
 1. The Board of Adjustment shall authorize no such variance, unless it finds that:
 2. The strict application of the Ordinance would produce undue hardship;
 3. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity;

4. The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance; and
5. The granting of such variance is based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit or caprice. No variance shall be authorized unless the Board finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to this Ordinance.

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

Section 10.04 Appeals to District Court

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

ARTICLE 11: AMENDMENTS

Section 11.01 Amendments

Pursuant to Section 19-905, Reissue Revised Statutes of 1943 (in full): This Ordinance may, from time to time, be amended, supplemented, changed, modified, or repealed. In case of a protest against such change, signed by the owners of 20 percent or more either of the area of the lots included in such proposed change, or of those immediately adjacent on the sides and in the rear thereof extending 300 feet therefrom, and of those directly opposite thereto extending 300 feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of three-fourths of all members of the City Council. The provisions of this section of the Ordinance relative to public hearings and official notice shall apply equally to all changes or amendments. In addition to the publication of the notice therein prescribed, a notice shall be posted in a conspicuous place on or near the property on which action is pending. Such notice shall not be less than 18 inches in height and 24 inches in width with a white or yellow background and black letters not less than one and one-half inches in height. Such posted notice shall be so placed upon such premises that it is easily visible from the street nearest the same and shall be so posted at least 10 days prior to the date of such hearing.

It shall be unlawful for anyone to remove, mutilate, destroy, or change such posted notice prior to such hearing. Any person so doing shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than 50 dollars or more than 100 dollars.

The provisions of this section in reference to notice shall not apply: (1) in the event of a proposed change in such regulations, restrictions, or boundaries throughout the entire area of an existing zoning district or of such municipality, or (2) in the event additional or different districts are made applicable to areas, or parts of areas, already within a zoning district of the City.

Section 11.02 Planning Commission Review

No amendment, supplement, change or modification of this Ordinance, including the boundaries of any zoning district, shall be made by the City Council without first the consideration by the City Planning Commission, the Commission shall submit in writing its recommendations on each amendment, supplement, change or modification to the City Council within 45 days after receipt thereof. Said recommendations shall include approval, disapproval, or other suggestions and the reasons thereof, and a discussion of the effect of each amendment, supplement, change or modification on the Comprehensive Plan. Said recommendations shall be of an advisory nature only.

In addition, any person or persons seeking such an amendment, supplement, change, or modification of any zoning district, shall comply with the following:

- 11.02.01 At the time that application for a change of zoning district or amendment to the zoning test is filed with the Planning Commission, there shall be deposited the sum set in Article 4, Section 4.23 as a fee to cover investigation, legal notices, or other expenses incidental to the determination of such matter.

Section 11.03 Inspections by City Staff

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

Section 11.04 Building Permits

The following shall apply to all new construction and all applicable renovations and remodels within Springfield's Zoning Jurisdiction:

- 11.04.01 It shall be unlawful to commence the excavation for the construction of any building, or any accessory buildings, or to commence the moving or alteration of any buildings, including accessory buildings, until the Building Inspector has issued a building permit for such work.
- 11.04.02 Issuance of a building permit. In applying to the Building Inspector for a building permit, the applicant shall submit a dimensioned sketch or a scale plan indicating the shape, size and height and location of all buildings to be erected, altered or moved and of any building already on the lot. He shall also state the existing and intended use of all such buildings, and supply such other information as may be required by the Building Inspector for determining whether the provisions of this Ordinance are being observed. If the proposed excavation or construction as set forth in the application are in conformity with the provisions of this Ordinance, and other Ordinances of the City then in force, the Building Inspector shall issue a building permit for such excavation or construction. If a building permit is refused, the Building Inspector shall

state such refusal in writing, with the cause, and shall immediately thereupon mail notice of such refusal to the applicant at the address indicated upon the application. The Building Inspector shall grant or deny the permit within a reasonable time from the date the application is submitted. The issuance of a permit shall, in no case, be construed as waiving any provisions of this Ordinance. A building or zoning permit shall become void six months from the date of issuance unless substantial progress has been made by that date on the project described therein, or if the construction shall be discontinued for a period of six months. Before work can be resumed, a new permit shall be obtained in the same manner and form as an original permit.

Section 11.05 Certificate of Occupancy

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

Section 11.06 Penalties

Pursuant to Section 19-913, Reissue Revised Statutes of 1943 (in full), the owner or agent of a building or premises in or upon which a violation of any provisions of this Ordinance has been committed or shall exist or lessee or tenant of an entire building or entire premises in or upon which violation has been committed or shall exist, or the agent, architect, building contractor or any other person who commits, takes part or assists in any violation or who maintains any building or premises in or upon which such violation shall exist, shall be guilty of a misdemeanor and shall be punished by a fine not to exceed 100 dollars for any one offense. Each day of non-compliance with the terms of this Ordinance shall constitute a separate offense.

Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation. However, nothing shall deprive the citizen of his or her rights under the U.S. Constitution of a jury trial.

Section 11.07 Remedies

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

ARTICLE 12: COMPREHENSIVE PLAN RELATIONSHIP

These zoning ordinances are designed to implement various elements of the comprehensive plan as required by state statutes. Any amendment to the district ordinances or map shall conform to the comprehensive plan adopted by the governing body.

ARTICLE 13: LEGAL STATUS PROVISIONS

Section 13.01 Separability

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

Section 13.02 Purpose of Catch Heads

The catch heads appearing in connection with the foregoing sections are inserted simply for convenience, to serve the purpose of any index and they shall be wholly disregarded by any person, officer, court or other tribunal in construing the terms and provisions of this Ordinance.

Section 13.03 Repeal of Conflicting Ordinances

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

Section 13.04 Effective Date

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

ADOPTED AND APPROVED by the Governing Body of Springfield, Nebraska,

This 6th day of January, 2015.

(Seal)

ATTEST: _____
(CITY CLERK)

(MAYOR)