

**Tentative** Agenda for the WAVERLY PLANNING COMMISSION MEETING to be held on August 25, 2025 at 5:30 PM. This meeting will be held at the Waverly City Office Building, 14130 Lancashire, Waverly, NE 68462. A current Agenda shall be readily available for public inspection at the office of the City Clerk during normal business hours.

1. **Call to Order**
  - 1.a) Roll Call
  - 1.b) Acknowledgement of the "Open Meetings Act" poster that is posted by the south entrance
2. **Public Hearings**
  - 2.a) Public Hearing: Amendments to Waverly Zoning Regulations, Article 2, Definitions.
  - 2.b) Public Hearing: Amendments to Waverly Zoning Regulations, Article 6, Supplemental Use Regulations: Residential Uses and Miscellaneous Uses.
  - 2.c) Public Hearing: Amendments to Waverly Zoning Regulations, Article 7, Supplemental Site Development Regulations.
  - 2.d) Public Hearing: Amendments to Waverly Zoning Regulations, Article 9, Off-Street Parking Requirements.
  - 2.e) Public Hearing: Amendments to Waverly Zoning Regulations, Article 10, Sign Regulations.
3. **Public Comments**
4. **Approval of Minutes**
  - 4.a) Minutes of the July 21, 2025 Planning Commission Meeting
5. **Introduction of Business**
  - 5.a) Consideration of Amendments to Waverly Zoning Regulations, Article 2, Definitions.
  - 5.b) Consideration of Amendments to Waverly Zoning Regulations, Article 6, Supplemental Use Regulations: Residential Uses and Miscellaneous Uses.
  - 5.c) Consideration of Amendments to Waverly Zoning Regulations, Article 7, Supplemental Site Development Regulations.
  - 5.d) Consideration of Amendments to Waverly Zoning Regulations, Article 9, Off-Street Parking Requirements.
  - 5.e) Consideration of Amendments to Waverly Zoning Regulations, Article 10, Sign Regulations.
  - 5.f) Administrative Report
6. **Adjournment**

The Governing Body reserves the right to go into Executive Session at any time for the reasons outlined in State Statute 84-1410.

The following rules are established for audience members and participants at a Council meeting:

- (1) Any person wishing to address the Council shall first state their name and address.
- (2) Public comments may be for agenda or non-agenda items.
- (3) Remarks shall be limited to five (5) minutes.

Minutes of the **Waverly Planning Commission held Monday, July 21st, 2025**, at 5:30 pm at the Waverly Community Foundation Building, 11120 N. 141<sup>st</sup> Street, Waverly, Nebraska. Commissioners present were Chair Kris Bohac, Melissa Brown, Heather Chloupek, Lindsay Erickson, Tony Larson, Tyson Ritz, and Jake Sorenson. City Officials present were Building Inspector/Zoning Administrator Mike Palm. Notice of the meeting and agenda were given to the Chair and all Members of the Planning Commission prior to the meeting. Notice of the meeting was posted at Russ's Market Express, the US Post Office, the City Office, and the City website.

### **1. Call to Order**

The meeting was called to order by Chair Bohac at 5:34 pm.

Bohac acknowledged the Open Meeting Act poster which is posted on the wall by the meeting hall entrance doors.

### **2. Public Hearings**

#### **a. Public Hearing: DC Addition Preliminary Plat.**

Bohac declared the public comments open at 5:35 pm.

Public comments: None

Bohac acknowledged the letter submitted by Doyle and Shannon Brunssen that was shared with the Planning Commission members for review.

Bohac declared the public comments closed at 5:36 pm.

#### **b. Public Hearing: Rezoning of DC 1st Addition from Agricultural (AG) District to Limited Industrial (LI) District.**

Bohac declared the public comments open at 5:36 pm.

Discussion: None

Bohac declared the public comments closed at 5:36 pm.

#### **c. Public Hearing: DC 1st Addition Final Plat**

Bohac declared the public comments open at 5:36 pm.

Discussion: None

Bohac declared the public comments closed at 5:36 pm.

### **3. Public Comments**

None

#### **4. Approval of Minutes**

Erickson moved to approve the May 12, 2025, meeting minutes. Chloupek seconded the motion.

Discussion: Palm provided an overview of the prior meeting minutes.

The following Commission Members voted “YEA”: Bohac, Brown, Chloupek, Erickson, Larson, Ritz, and Sorenson.

The following Commission Members voted “NAY”: None. Motion carried. 7 – 0.

#### **5. Introduction of Business**

##### **a. Consideration of recommendation of approval of DC Addition Preliminary Plat.**

Larson moved to recommend to City Council the approval of DC Addition Preliminary Plat. Erickson seconded the motion.

Discussion: Palm provided an overview of the updated preliminary plat per Lancaster County’s request for the addition of Outlot B for water retention and the addition of culverts along 155<sup>th</sup> Street and the right-of-way ditch. This addition caused the footprint of the development to have to shift 100 feet on the south end.

The following Commission Members voted “YEA”: Bohac, Brown, Chloupek, Erickson, Larson, Ritz, and Sorenson.

The following Commission Members voted “NAY”: None. Motion carried. 7 – 0.

##### **b. Consideration of recommendation of approval of Zoning Change Request 25-05 for DC 1st Addition from Agricultural (AG) District to Limited Industrial (LI) District.**

Brown moved to recommend to City Council the approval of Zoning Change Request 25-05 for DC 1st Addition from Agricultural (AG) District to Limited Industrial (LI) District. Larson seconded the motion.

Discussion: Palm noted that since the footprint shifted 100 feet on the south end, the original legal description needed to be refined to account for that.

The following Commission Members voted “YEA”: Bohac, Brown, Chloupek, Erickson, Larson, Ritz, and Sorenson.

The following Commission Members voted “NAY”: None. Motion carried. 7 – 0.

##### **c. Consideration of recommendation of approval of DC 1st Addition Final Plat.**

Ritz moved to recommend to City Council approval of DC 1st Addition Final Plat. Brown seconded the motion.

Discussion: Palm noted that the official name of the plat is DC 1<sup>st</sup> Addition and the additional language was added based on the comments from Lancaster County.

The following Commission Members voted “YEA”: Bohac, Brown, Chloupek, Erickson, Larson, Ritz, and Sorenson.

The following Commission Members voted “NAY”: None. Motion carried. 7 – 0.

d. Administrative Report

- 7 New Residential Plans received since the last meeting, all in Waverly Ridge Estates
  - Permits will be issued pending plan review and completion of Waverly Ridge Estates public improvements
- Custom Concrete Specialties, Searcey 1st Addition, Lot 2, under construction
- Hote Kote LLC, building under construction at 12901 N 148th St. – Inspection performed on 7/18 for office. Comments to be addressed prior to issuing occupancy
- Smart Chicken Cooler Expansion/Wastewater expansion, 13351 Dovers – Under Construction
- Kamterter Interior Remodel, 9930 Amberly Rd., underway
- Waverly Ridge Estates final walkthrough scheduled for 7/23
- Anderson North Park 10th Addition grading underway
- Industrial Subdivision, N 141st St Waverly Rd. – awaiting plan submittals.

**6. Adjournment**

Larson moved to adjourn the meeting. Chloupek seconded the motion.

Discussion: None

The following Commission Members voted “YEA”: Bohac, Brown, Chloupek, Erickson, Larson, Ritz, and Sorenson.

The following Commission Members voted “NAY”: None. Motion carried. 7 – 0.

Meeting adjourned at 5:49 pm.

Respectfully submitted,  
Tony Larson, Waverly Planning Commission, Secretary

**ORDINANCE NUMBER 25-17**

AN ORDINANCE OF THE CITY OF WAVERLY, NEBRASKA TO AMEND THE WAVERLY ZONING REGULATIONS, ARTICLE 2, DEFINITIONS

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

Section 1. Whereas, that Section 1.222, S, contained within Article 2 of the Waverly Zoning Regulations is hereby amended to read as follows:

INSERT: 15. Swimming Pool: Any structure intended for swimming or recreational bathing that contains water more than 24 inches (24") deep. This includes in-ground, above ground, and on-ground swimming pools, hot tubs, and spas.

Section 3. That any ordinance in conflict with this ordinance is hereby repealed.

Section 4. This ordinance shall be in full force and take effect from and after its passage, approval, and publication according to the law.

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2025.

\_\_\_\_\_  
Abbey L. Pascoe  
Mayor

Attest:

\_\_\_\_\_  
Megan K. Frye  
City Clerk/Human Resources Assistant

(SEAL)

## DEFINITIONS

# 2

## ARTICLE TWO

### DEFINITIONS

#### 11.201 Purpose

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

#### 11.202 General Construction of Language

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

a. Headings

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

b. Illustration

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

c. Shall and May

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

d. Tenses and Numbers

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

e. Conjunctions

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

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

## DEFINITIONS

### f. Referenced Agencies

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

### 11.203 Definition of Terms

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

### 11.204 A

1. **Abutting:** Having lot lines or district boundaries in common, including property separated by a public street or alley. Used interchangeably with adjacent.
2. **Accessory Structure:** A detached structure within a residentially zoned district used as a garage, tool shed, hobby shop, green house, or playhouse. *(Amended by Ord. 04-02, 4-19-04)*
3. **Accessory Use:** A use which is incidental to and customarily associated with a specific principal use on the same site.
4. **Addition:** Any construction which increases the size of a building or structure in terms of site coverage, height, length, width, or gross floor area.
5. **Agricultural Farm or Operation:** A tract of land or a combination of tracts of land utilized primarily for agricultural purposes which either singularly or jointly consist of at least twenty (20) acres and which produces one thousand dollars (\$1,000) or more of farm products each year. *(Amended by Ord 13-11; 9-17-13)*
6. **Agent of Owner:** Any person showing written verification that he/she is acting for, and with the knowledge and consent of, a property owner.
7. **Alley:** A public right of way, other than a street and twenty feet or less in width which is used as a secondary means of access to abutting property.
8. **Alteration:** Any construction or physical change in the internal arrangement of spaces, the supporting members, the positioning on a site, or the appearance of a building or structure.
9. **Apartment:** A housing unit within a building designed for and suitable for occupancy by only one family. Apartments are generally located within multi-family residential buildings.
10. **Attached:** Having one or more walls in common with a principal building or connected to a principal building by an integral architectural element, such as a covered passageway; facade wall extension; or archway.

### 11.205 B

1. **Base Zoning District:** A district established by this Ordinance which prescribes basic regulations governing land use and site development standards. No more than one Base Zoning District shall apply to any individually platted lot or parcel unless the lot or parcel is part of a Planned Unit Development.

## DEFINITIONS

2. **Basement:** A level of a building below street level that has at least one-half of its height below the surface of adjacent ground. A basement used for independent dwelling or business purposes shall be considered a story for the purposes of height measurement.
3. **Beginning of Construction:** The initial incorporation of labor and materials within the foundation of a building or structure.
4. **Block:** An area of land within a subdivision that is entirely bounded by streets, by streets and the exterior boundaries of the subdivision, or by a combination of the above with a watercourse or lake, and which has been designated as such on a plat for the purposes of legal description of a property.
5. **Block Face:** The property abutting one side of a street and lying between the two nearest intersection streets, or between the one nearest intersecting street and a major physical barrier, including, but not limited to, railroads, streams, lakes, or the corporate limits of Waverly.
6. **Board of Adjustment:** A body, established by the City expressly for the purpose of granting relief from situations of hardship and to hear appeals as provided by this Ordinance.
7. **Bufferyard:** A landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another, to screen parking areas or outside storage areas from public view. *(Amended by Ord 13-11; 9-17-13)*
8. **Building:** A structure entirely separated from any other structure by space or by walls and having a roof and built to provide shelter, support, or enclosure for persons, animals, processing, equipment, goods or materials of any kind, or property. *(Amended by Ord 13-11; 9-17-13)*
9. **Building Coverage:** The area of a site covered by buildings or roofed areas, excluding allowed projecting eaves, balconies, and similar features. Maximum Building Coverage is the total area of principal and accessory permitted buildings as a percentage of the total area of the individual parcel. *(Amended by Ord 13-11; 9-17-13)*
10. **Building Envelope:** The three-dimensional space within which a structure is permitted to be built on a lot after all zoning and other applicable municipal requirements have been met.
11. **Building Line:** The outer boundary of a building established by the location of its exterior walls.
12. **Building Official:** The city official who is responsible for the enforcement of the applicable building code and conditional uses.
13. **Building Permit:** A document that must be issued by the Building Official prior to erecting, constructing, enlarging, altering, repairing, moving, improving, removing, converting, or demolishing any building or structure regulated by this Ordinance or by the applicable building codes of the City of Waverly. Issuance of a building permit follows review of plans by the Building Official to determine that the proposed use of building or land complies with the provisions of the Zoning Ordinance.
14. **Business:** Activities that include the exchange or manufacture of goods or services on a site.
15. **Business Center:** A building containing more than one commercial business, or any group of non-residential buildings within a common development, characterized by shared parking and access.

## DEFINITIONS

### 11.206 C

1. Certificate of Occupancy: An official certificate issued by the Building Official or his/her designee prior to occupancy of a completed building or structure, upon finding of conformance with the applicable building code and this Zoning Ordinance.
2. Change of Use: The replacement of an existing use by a new use.
3. Cluster: A development design technique that concentrates buildings in specific areas on a site to allow remaining land to be used for recreation, common open space, or the preservation of historically or environmentally sensitive features.
4. City: The City of Waverly, Nebraska.
5. City Council: The City Council of Waverly, Nebraska.
6. Common Area: An area held, designed, and designated for common or cooperative use within a development.
7. Common Development: A development proposed and planned as one unified project not separated by a public street or alley.
8. Common Open Space: Land within or related to a development that is not individually owned or dedicated for public use, designed and generally intended for the common use of the residents of the development.
9. Compatibility: The degree to which two or more different land use types are able to exist together in close proximity, with no one use having significant negative effects on any other use.
10. Comprehensive Plan: The duly adopted Comprehensive Development Plan of the City of Waverly.
11. Condominium: A real estate ownership arrangement that combines fee simple title to a specific unit and joint ownership in common elements shared with other unit owners. Types of units may include dwelling units, parking spaces, office spaces, or commercial spaces.
12. Conservation Development: A development design technique that concentrates buildings in specific areas on a site to allow remaining land to be used for recreation, common open space, or the preservation of historically or environmentally sensitive features.
13. Conservation Subdivision: Wholly or in majority, a residential subdivision that permits a reduction in lot area, setback, or other site development regulations, provided 1) there is no increase in the overall density permitted for a conventional subdivision in a given zoning district, and 2) the remaining land area is used for common space.
14. County: Lancaster County, Nebraska.

## DEFINITIONS

15. Court (or Lane): An approved private right-of-way which provides access to residential properties and meets at least three of the following conditions:

- (a) Serves twelve or fewer housing units or platted lots.
- (b) Does not function as a local street because of its alignment, design, or location.
- (c) Is completely internal to a development.
- (d) Does not exceed 600 feet in length.

16. Courtyard: An open, unoccupied space, bounded on two or more sides by the walls of the building.

17. Conventional Subdivision: A subdivision which literally meets all nominal standards of the Land Development Ordinance for lot dimensions, setbacks, street frontage, and other site development regulations.

18. Creative Subdivision: A subdivision which, while complying with the Subdivision Ordinance, diverges from nominal compliance with site development regulations in the Land Development Ordinance. Creative subdivisions imply a higher level of pre-planning than conventional subdivisions. They may be employed for the purpose of environmental protection or the creation of superior community design. Types of Creative Subdivisions include Conservation Subdivisions and Traditional Neighborhood Districts.

### 11.207 D

1. Deck: An addition to a house that is neither roofed nor sided and is not a structural element of the house.

2. Density: The amount of development per specific unit of a site.

3. Drive-in Services: Uses which involve the sale of products or provision of services to occupants in vehicles.

4. Detached: Fully separated from any other building or jointed to another building in such a manner as not to constitute an enclosed or covered connection.

5. Driveway: A permanently paved, surfaced area providing vehicular access between a street and an off-street parking or loading area.

6. Duplex: A building, typically on a single lot of record, containing two (2) single family dwelling units, each separated from one another by an un-pierced wall extending from ground level to roof. *(Amended by Ord 13-11; 9-17-13)*

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

### 11.208 E

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

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

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### 11.209 F

1. Family: One or more persons living together and sharing common living, sleeping, cooking, and eating facilities within an individual housing unit, no more than 3 of whom may be unrelated. The following persons shall be considered related for the purpose of this ordinance: *(Updated by Ord. 04-02, 4-19-04)*
  - (a) Persons related by blood, marriage, or adoption;
  - (b) Persons residing with a family for the purpose of adoption;
  - (c) Not more than eight persons under 19 years of age, residing in a foster house licensed or approved by the State of Nebraska.
  - (d) Not more than eight persons 19 years of age or older residing with a family for the purpose of receiving foster care licensed or approved by the State of Nebraska.
  - (e) Person(s) living with a family at the direction of a court.
2. Fascia: A parapet-type wall used as part of the facade of a flat-roofed building and projecting no more than six feet from the immediately adjacent building face. Such a wall shall enclose at least three sides of the projecting flat roof and return to the parapet wall or the building. *(Updated by Ord. 04-02, 4-19-04)*
3. Federal: Pertaining to the Government of the United States of America. *(Updated by Ord. 04-02, 4-19-04)*
4. Fence: A form of construction, not ordinarily considered a structure, that is designed for screening or enclosing a property. *(Updated by Ord. 04-02, 4-19-04)*
5. Floor Area Ratio: The quotient of gross floor area divided by gross site area. *(Updated by Ord. 04-02, 4-19-04)*
6. Footprint: The total square footage of the exterior walls of a principal residence excluding the garage. *(Established by Ord. 04-02, 4-19-04)*
7. Frontage: The length of a property line of any one premise abutting and parallel to a public street, private way, or court. *(Updated by Ord. 04-02, 4-19-04)*

### 11.210 G

1. Grade: The horizontal elevation of the finished surface of ground, paving, or sidewalk adjacent to any building line.
  - (a) For buildings having walls facing one street only, the grade shall be the elevation of the sidewalk at the center of the wall facing the street.
  - (b) For buildings having walls facing more than one street, the grade shall be the average elevation of the grades of all walls facing each street.
  - (c) For buildings having no walls facing a street, the grade shall be the average level of the finished surface of the ground adjacent to the exterior walls of the building.

## DEFINITIONS

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

### 11.211 H

1. Hard-Surfacing: Surfacing of a site or portion of a site with a material which is generally dust-free and impervious to surface moisture. Typical materials include concrete, asphalt, asphaltic concrete, unit pavers, brick, and similar materials.
2. Height: The vertical distance from the established grade to the highest point of the coping of a flat roof, the deck line of a mansard roof, or to the average height between eaves and the ridge for gable, hip, shed, or gambrel roofs. For other cases, height shall be measured as the vertical distance from the established grade to the highest point of a structure as herein defined. Where a building or structure is located on a slope, height shall be measured from the average grade level adjacent to the building or structure.
3. Home Based Business/Home Occupation: An accessory occupational use conducted entirely within a dwelling unit by its inhabitants, which is clearly incidental to the residential use of the dwelling unit or residential structure and does not change the residential character of its site.
4. Housing Unit or Dwelling Unit: A building or portion of a building arranged for and intended for occupancy as an independent living facility for one family, including permanent provisions for cooking.

### 11.212 I

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

### 11.213 J

### 11.214 K

### 11.215 L

1. Landscaped Area: The area within the boundaries of a given lot, site or common development consisting primarily of plant material, including but not limited to grass, trees, shrubs, vines, ground cover, and other organic plant materials; or grass paver masonry units installed such that the appearance of the area is primarily landscaped.
  - (a) Perimeter Landscaped Area: Any required landscaped area that adjoins the exterior boundary of a lot, site or common development.
  - (b) Interior Landscaped Area: Any landscaped area within a site exclusive of required perimeter landscaping.
2. Loading Area: An off-street area used for the loading or unloading of goods from a vehicle in connection with the use of the site on which such area is located.

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3. Lot: A parcel of property with a separate and distinct number or other identifying designation which has been created, assigned and recorded in the Office of the Lancaster County Register of Deeds. Each individual lot is subject to the provisions of a particular base Zoning District, and shall have a minimum frontage of 20 feet, except as provided in an approved Planned Unit Development and/or Creative Subdivision.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## DEFINITIONS

### 11.216 M

1. **Manufactured Home Dwelling:** A factory built structure which is to be used as a place for human habitation, which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site; does not have permanently attached to its body or frame any wheels or axles; bears a label certifying that it was built in compliance with the National Manufactured Home Construction and Safety Standards, 24 C.F.R. 3280 et seq., promulgated by the US Department of Housing and Urban Development; and which complies with the following architectural and aesthetic standards:

- (a) The home shall have at least 900 square feet of floor area;
- (b) The home shall have an exterior width of at least 18 feet;
- (c) The roof shall be pitched with a maximum vertical rise of 2.5 inches for each 12 inches of horizontal run.
- (d) The exterior material is of a color, material, and scale comparable with those existing in the residential site on which the manufactured home dwelling is being permanently installed;
- (e) The home shall have a non-reflective roof material which is or simulates asphalt or wood shingles, tile, or rock;
- (f) Permanent utility connections shall be installed in accordance with local regulations;
- (g) The home shall have all wheels, axles, transporting lights, and towing apparatus removed; and
- (h) The home shall be installed upon a permanent foundation that is constructed and built in accordance with local regulations.

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

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

4. **Mobile Home:** A building type designed to be transportable in one or more sections, constructed on a permanent chassis or undercarriage, and designed to be used as a dwelling unit or other use with or without a permanent foundation when connected to the required utilities, but not bearing a seal attesting to the approval and issuance of the Nebraska Department of Health and Human Services System or conformance to the manufactured home procedural and enforcement regulations, as adopted by the US Department of Housing and Urban Development; or not otherwise satisfying the definition of Manufactured Home Dwellings. (*Amended by Ord 13-11; 9-17-13*)

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

## DEFINITIONS

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

### 11.217 N

1. Net Metering: A utility policy for consumers in which a property owner utilizes one or a combination of alternative energy sources including Wind, Solar, Geothermal, Biomass, or Methane, to generate a portion or all of their electrical energy needs for their home or business. If the property owner is able to generate more power than needed for the home or business, the local utility company is required by Nebraska Law to purchase the "extra" or excess electrical power from the property owner. *(Amended by Ord 13-11; 9-17-13)*

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

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

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

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

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

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

### 11.218 O

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

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

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

## DEFINITIONS

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

### 11.219 P

1. Parking Facility: An area on a lot and/or within a building, including one or more parking spaces, along with provision for access circulation, maneuvering, and landscaping, meeting the requirements of this Zoning Ordinance. Parking facilities include parking lots, private garages, and parking structures. Vehicle storage is distinct from parking, and is regulated by provisions in Sections 307b, 308, 309j, Table 4-2. Vehicle storage is also governed by provisions of Article 9: Parking Regulations.
2. Parking Spaces: An area on a lot and/or within a building, intended for the use of temporary parking of a personal vehicle. This term is used interchangeably with "parking stall". Each parking space must have a means of access to a public street. Tandem parking stalls in single-family detached, single-family attached, and townhome residential uses shall be considered to have a means of access to a public street.
3. Paved: Permanently surfaced with poured concrete, concrete pavers, brick or other masonry material, asphalt, or asphaltic concrete.
4. Permanent Foundation: An exterior wall and necessary structure designed to support any building or structure for the useful life of such structure. The exterior wall of a permanent foundation shall conform to the requirements of the Uniform Building Code.
5. Permitted Use: A land use type allowed as a matter of right in a zoning district, subject only to special requirements of this Zoning Ordinance.
6. Planning Commission: The Planning Commission of the City of Waverly.
7. Planned Unit Development: A development of land which is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.
8. Porch, Unenclosed: A roofed or unroofed open structure projecting from an exterior wall of a building and having no enclosed features more than thirty inches above its floor other than wire screening and a roof with supporting structure.
9. Portable Storage Unit: Any container designed for the storage of personal property which is typically rented to owners or occupants of residential (single family or multi-family) property for their temporary use and which is delivered and removed by truck. *(Established by Ord. 08-10,8-4-08)*
10. Premises: A lot, parcel, tract or plot of land, contiguous and under common ownership or control, together with the buildings and structure thereon.
11. Private Garage: A building for the storage of motor vehicles where no repair service facilities are maintained and where no motor vehicles are kept for rental or sale.
12. Property Line: See "Lot Line."

### 11.220 Q

## DEFINITIONS

### 11.221 R

1. Recreational Vehicle: A vehicle towed or self propelled on its own chassis or attached to the chassis of another vehicle and designed or used for temporary dwelling, recreational, or sporting purposes. Recreational vehicles include, but are not limited to, travel trailers; campers; motor coach homes; converted buses and trucks, boats, and boat trailers.
2. Regulation: A specific requirement set forth by this Zoning Ordinance which must be followed.
3. Remote Parking: A supply of off-street parking at a location not on the site of a given development.
4. Roll-off unit: A metal storage receptacle used primarily for the temporary storage or deposit or waste materials, including debris, trash, or construction renovation or demolition waste, and which is transportable such as to be delivered by, rolled off of and picked up by a carrying vehicle that allows for the removal of its contents to a dump site. (*Established by Ord. 08-10,8-4-08*)

### 11.222 S

1. Screening: The method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, or other features as may be permitted by the landscape provisions of this ordinance.
2. Setback: The distance, as required by the minimum setback(s) which establishes the horizontal component(s) of the building envelope.
3. Sign: A symbolic, visual device fixed upon a building, vehicle, structure, or parcel of land, which is intended to convey information about a product, business, activity, place, person, institution, candidate, or political idea.
4. Site: The parcel of land to be developed or built upon. A site may encompass a single lot; or a group of lots developed as a common development under the special and overlay districts provisions of this ordinance.
5. Site Plan: A plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, and principal site development features proposed for a specific parcel of land; and any other information that may be reasonably requested by the City in order that an informed decision can be made on the associated request.
6. Special Use Permit: The special permit provides permission under specific conditions to authorize special uses of land in a zoning district as stipulated under permitted special uses in each of the district zoning regulations. Special exception uses are allowed in a zoning district only at the discretion of and with the explicit approval of the Planning Commission. The procedure to obtain a Special Use Permit is further detailed in Section 11.1203 of this Ordinance. (*Amended by Ord 13-11; 9-17-13*)
7. State: The State of Nebraska.
8. Story: The portion of a building included between the surface of any floor and the surface of the next floor above it; if there is no floor above it, the space between such floor and the next ceiling above it. A half story is a story under a sloped roof, the wall heights of which on at least two opposite, exterior walls are less than four feet.

## DEFINITIONS

9. Street: A right of way, dedicated to public use, which affords a primary means of access to the abutting property. This definition is intended to be inclusive of the term as defined in Nebraska State Statute.

10. Collector Street: A street connecting neighborhoods within the same communities, designed to carry traffic from local to arterial streets.

11. Street, Intersecting and Principal: In regard to a site, the principal street shall be the street to which the majority of lots on a blockface are oriented; the intersecting street shall be a street other than a principal street.

12. Street, Local: A street which is used primarily for access to the abutting properties.

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

14. Structure: Any object constructed or built and attached or anchored permanently or semi-permanently to the ground in such a way as to prevent routine movement.

15. Swimming Pool: Any structure intended for swimming or recreational bathing that contains water more than 24 inches (24") deep. This includes in-ground, above ground, and on-ground swimming pools, hot tubs, and spas.

### 11.223 T

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

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

### 11.224 U

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

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

### 11.225 V

### 11.226 W

### 11.227 X

### 11.228 Y

## DEFINITIONS

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

(a) Front Yard: The space extending the full width of a lot, lying between the front lot line and the front setback line. For a corner lot, the front yard shall normally be defined as that yard along a street which meets one of the following two criteria:

- 1) The yard along the block face to which a greater number of structures are oriented; or
- 2) The yard along a street that has the smaller horizontal dimension.

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

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

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

### 11.229 Z

1. Zoning Administrator: The designee of the City Council responsible for the interpretation, administration, and enforcement of the Waverly Zoning Ordinance.

2. Zoning District: A designated specified land classification, within which all sites are subject to a unified group of use and site development regulations set forth in this Zoning Ordinance.

**ORDINANCE NUMBER 25-18**

AN ORDINANCE OF THE CITY OF WAVERLY, NEBRASKA TO AMEND THE WAVERLY ZONING REGULATIONS, ARTICLE 6, SUPPLEMENTAL USE REGULATIONS

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

Section 1. Whereas, that Section 11.603, Supplemental Use Regulations: Residential Uses, contained within Article 6 of the Waverly Zoning Regulations is hereby amended to read as follows:

**11. 603 Supplemental Use Regulations: Residential Uses**

a. Zero-Lot Line Single-Family Residential

Within a common development, one interior side yard may be equal to zero for single-family detached residential use, subject to the following additional regulations:

1. The side yard opposite to the zero yard must equal at least twice the normal required minimum side yard and must taken by itself comply with all side yard requirements for the zoning district.
2. The normal side yard setback requirement must be maintained adjacent to any lot with an existing structure not within the common development; or not otherwise designated for zero lot line use.
3. An easement for maintenance of the zero lot line facade is filed with the Lancaster County Register of Deeds and the City Clerk at the time of application for a building permit.

b. Townhouse Residential

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

1. The minimum width for any townhouse lot sold individually shall be 25 feet, except within an approved creative subdivision.
2. Coverage percentages are computed for the site of the entire townhouse common development.

~~c.~~ Downtown Residential and Group Residential Uses in the DC District

Downtown Residential and Group Residential uses are permitted in the DC District subject to the following conditions:

1. Downtown 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 may be developed at street level, subject to approval by 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.

**Commented [MP1]:** Removed "Two-Family Residential" as a residential use

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.

d. Group Residential

Where permitted, Group Residential use must comply with the following requirements:

1. Within the AG, RR, R-1, R-2, and MH districts, no more than six persons in addition to the family of the owner shall be permitted to reside in an owner-occupied dwelling unit. No more than five persons shall be permitted to reside in a non owner-occupied dwelling unit.

2. Within the R-3 and R-4 districts, no more than ten persons in addition to the family of the owner shall be permitted to reside in an owner-occupied dwelling unit. No more than seven persons shall be permitted to reside in a non owner-occupied dwelling unit.

3. A minimum of 250 square feet must be provided in the dwelling unit for each resident.

e. Mobile Home Parks

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

1. Certification

A certification of compliance with all ordinances and regulations regarding mobile home licensing, zoning, health, plumbing, electrical, building, fire protection and any other applicable requirements shall be issued by the Zoning Administrator prior to the occupancy of any new Mobile Home Park or any expansion of an existing Mobile Home Park.

2. Minimum and Maximum Area

A Mobile Home Park shall be considered to be one zoned lot. The contiguous area of a Mobile Home Park shall have a minimum of 2.5 acres and a maximum of 15 acres.

3. Density Requirements

(a) The minimum gross site area per dwelling unit shall be 5,000 square feet.

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

(c) Each mobile home space shall have a width of at least 50 feet wide and a length of at least 80 feet.

4. Site Development Standards

(a) Setbacks: Each Mobile Home Park shall have a minimum perimeter setback of 30 feet from adjacent non-residential uses and 50 feet from adjacent residential uses. No space for a dwelling unit or any other structure shall be permitted in the required setback.

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

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

(d) Open Space: Each Mobile Home Park shall provide a minimum of 400 square feet of open recreational space per unit. Such space shall be provided at a central location accessible from all parts of the park by pedestrians. Required perimeter setbacks or buffers shall not be credited toward the fulfillment of this requirement.

(e) Separation Between Mobile Home Units: The minimum separation between a mobile home unit and attached accessory structure and any other mobile home units and/or accessory structure shall be 15 feet.

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

#### 5. Street Access and Circulation Requirements

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

(b) Vehicular Circulation: The Mobile Home Park must provide interior vehicular circulation on a private internal street system. Minimum interior street width shall be 27 feet. The street system shall be continuous and connected with other internal and public streets; or shall have a cul-de-sac with a minimum diameter of 90 feet. No such cul-de-sacs may exceed 300 feet in length.

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

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

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

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

6. Tornado Shelters: Underground tornado shelters shall be provided in the Mobile Home Park. Such shelter or shelters shall be built according to the recommendations of the Emergency Management authority and be large enough to meet the specific needs of the park and its residents.
7. Utilities
  - (a) All Mobile Home Parks shall provide individual units and common facilities with an adequate, piped supply of water for both drinking and domestic purposes; and standard electrical service, providing at least one 120-volt and one 240-volt electrical service outlet to each mobile home space.
  - (b) Complete sanitary and sewer service shall be provided within each Mobile Home Park in accordance with the Subdivision Chapter of the Land Development Ordinance.
  - (c) Properly spaced and operating fire hydrants shall be provided for proper fire protection within each Mobile Home Park in accordance with the Subdivision Chapter of the Land Development Ordinance and other applicable city codes and public improvement design standards.
  - (d) All electric, telephone, gas, and other utility lines shall be installed underground.
8. Financial Responsibility: Each application for a Mobile Home Park shall include a demonstration by the developer of financial capability to complete the project; and a construction schedule.
9. Completion Schedule: Construction must be begin on any approved Mobile Home Park within one year of the date of approval by the Planning Commission. Such construction shall be completed within two years of approval, unless otherwise extended by the Commission.
10. All other uses and provisions of the Waverly Mobile Home Park regulations are incorporated herein by reference. These provisions include tie-down and other structural requirements included in the Waverly Municipal Codes.

f. Mobile Home Subdivisions

1. Mobile Home Subdivisions shall be developed in accordance with all standards and requirements set forth in the Subdivision Chapter of the Land Development Ordinance of Waverly. Site development regulations shall be the same as those required in the R-2 Zoning District. Each mobile home shall be considered a single-family detached residential unit for the purpose of determining applicable development regulations.
2. Mobile home units within Mobile Home Subdivisions shall be built in accordance with the minimum design standards of the US Department of Housing and Urban Development and display a certification of such compliance.
3. Mobile Home Subdivisions shall provide tornado shelter facilities as required by Section 603 f(5).
4. The minimum size of a mobile home subdivision shall be ten (10) acres.

g. Earth-Sheltered Residences

No subterranean or basement structure shall be occupied for residential purposes, except for those that meet the following requirements as earth-sheltered residences:

1. The living area shall be provided with exterior windows and/or skylights with a total glassed area of at least 10% of the gross floor area of the residence. Such windows or skylights shall give direct access to natural light and open space.
2. All earth sheltered residences shall conform to the development regulations for their respective zoning districts.
3. An outdoor space shall be provided immediately outside one wall of the residence that has:
  - a) A minimum size of 500 square feet.
  - b) A minimum width of 20 feet.
  - c) An average grade elevation no more than 2 feet above or below the finished floor elevation of the residence.
4. All earth-sheltered residences shall have structural systems designed by a professional structural engineer and shall have plans signed and approved by such engineer.

h. Homestead Exemptions (*Est. by Ord. 01-01, 1/3/01*)

A lot or parcel of land of five acres or more located within an AG District may be used for a single-family dwelling, provided that a residential structure:

1. has existed on such land for more than five years;
2. such structure is, or has been, used as the primary residence associated with a farm;
3. is in conformance with other provisions of the zoning codes, the minimum building codes, and the minimum standards for water and sewage facilities and does not represent a hazard to the health and safety of occupants;
4. have been properly platted and subdivided; and
5. leaves a balance of twenty or more acres for each parcel of land platted.

Section 3. Whereas, that Section 11.605, Supplemental Use Regulations: Civic Uses, b. Day Care, contained within Article 6 of the Waverly Zoning Regulations is hereby amended to read as follows:

b. Day Care

1. Limited Day Care uses are permitted on residential lots and may be operated by the occupant of a dwelling unit on the site.
2. Day care facilities are permitted by Special Use permit in the GI General Industrial Zoning District only if incidental to a permitted primary use.

3. Day care centers accommodating more than four children or adults shall conform with all requirements and licensures of the State of Nebraska.

Section 4. Whereas, that Section 11.612 Supplemental Use Regulations: Miscellaneous Uses, contained within Article 6 of the Waverly Zoning Regulations is hereby amended to read as follows:

INSERT: d. Swimming Pools

1. Permit Required: Building permits are required for all pools, spas, and hot tubs which have a maximum depth of greater than twenty-four inches (24").
2. Barrier Requirement: The following is required for any pool, spa, and hot tub greater than 24" in maximum depth:
  - (a) A barrier with a minimum height of four feet (4') or forty-eight inches (48").
  - (b) Any openings in the barrier shall not allow the passage of a four-inch (4") diameter sphere
  - (c) Access gates shall be of the self-closing, self-latching type and shall be equipped to accommodate a locking deviceException: Spas or hot tubs with a safety cover which comply with ASTM F 1346 shall be exempt from the above barrier requirements.
3. Location and Setbacks:
  - (a) Pools, spas, and hot tubs shall not be allowed within the required front yard of any lot.
  - (b) Pools, spas, and hot tubs shall be located a minimum of five feet (5') from any side and/or rear lot line.
  - (c) Pools shall be located a minimum of six feet (6') from the foundation of any building, principal structure, and/or accessory structure.

**Commented [MP2]:** Deleted:

a) Not be located along a major arterial street as designated in the City's Comprehensive Development Plan.

b) Provide at least 100 square feet of open space per child, entirely enclosed by a building, fence, or wall with a height of at least six feet.

**Commented [MP3]:** Should this be added to Article 6, Supplemental Use Regulations, or Article 7, Supplemental Site Development Regulations?

Section 5. That any ordinance in conflict with this ordinance is hereby repealed.

Section 6. This ordinance shall be in full force and take effect from and after its passage, approval, and publication according to the law.

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2025.

\_\_\_\_\_  
Abbey L. Pascoe  
Mayor

Attest:

\_\_\_\_\_  
Megan K. Frye  
City Clerk/Human Resources Assistant

(SEAL)

## SUPPLEMENTAL USE REGULATIONS

# 6

### ARTICLE SIX

#### SUPPLEMENTAL USE REGULATIONS

##### 11.601 Purpose

The Supplemental Use Regulations set forth additional standards for certain uses located within the various zoning districts. These regulations recognize that certain use types have characteristics that require additional controls in order to protect public health, safety, and welfare. These regulations complement the use regulations contained in Article Four of this Ordinance. The regulations contained in this Article pertain both to uses allowed by right within various zoning districts; and to uses that require approval as Special Uses by the Planning Commission. Nothing contained in this section shall limit the right of the Planning Commission or City Council on appeal to impose additional conditions on developments seeking Special Use Permit approval.

##### 11.602 Supplemental Use Regulations: Agricultural Uses

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

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

Retail operation of garden centers or roadside stands associated with a primary agricultural use may be permitted in the AG District, subject to the following requirements:

###### 1. Garden Centers

- (a) A garden center is a building or premises used for the retail sale of plant materials or items useful in the growing or display of lawns, gardens, and plants.
- (b) Garden centers must conform to all site development regulations for the zoning district.
- (c) Any garden center adjacent to a residential district must maintain a 20-foot landscaped bufferyard, consistent with the standards established in Article 11.804.

###### 2. Roadside Stands

- (a) A roadside stand is a facility used on a temporary or seasonal basis for the retail sale of produce grown largely on adjacent or surrounding agricultural lands.
- (b) A roadside stand may be located within a required front yard but no closer than 40 feet to the edge of a traveled roadway.
- (c) A roadside stand may operate for a maximum of 180 days in any one year.

###### b. Animal Production

- 1. No commercial poultry or livestock operation shall be located within 100 feet of any residential or commercial zoning district.

## SUPPLEMENTAL USE REGULATIONS

2. Breeding and raising of small animals and fowl, such as birds, rabbits, chinchilla, and hamsters is permitted in the AG District, provided that any building housing such animals shall be at least 100 feet from any property line and 25 feet from any dwelling unit on the site. No animals with measurable odors shall be raised for commercial purposes within the city limits.

3. Within the AG District, any lot less than 2 acres shall be prohibited from maintaining any horses or other equine and/or hooved animal. Any lot 2 acres and over may maintain one horse or other equine and/or hooved animal and its immature offspring, up to a maximum total of two such animals. No stable shall be located closer than 50 feet to any dwelling unit on the site. *(Amended by Ord. 01-01, 1/3/01)*

c. Commercial Feedlots

Commercial Feedlots are not permitted within the jurisdiction of the City of Waverly.

### 11. 603 Supplemental Use Regulations: Residential Uses

a. Zero-Lot Line Single-Family Residential

Within a common development, one interior side yard may be equal to zero for single-family detached residential use, subject to the following additional regulations:

1. The side yard opposite to the zero yard must equal at least twice the normal required minimum side yard and must taken by itself comply with all side yard requirements for the zoning district.

2. The normal side yard setback requirement must be maintained adjacent to any lot with an existing structure not within the common development; or not otherwise designated for zero lot line use.

3. An easement for maintenance of the zero lot line facade is filed with the Lancaster County Register of Deeds and the City Clerk at the time of application for a building permit.

b. Townhouse Residential

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

1. The minimum width for any townhouse lot sold individually shall be 25 feet, except within an approved creative subdivision.

2. Coverage percentages are computed for the site of the entire townhouse common development.

~~c. Two-Family Residential~~

~~1. The second dwelling unit shall be located to the rear of the site and shall be separated from the front dwelling unit by a minimum of 25 feet.~~

~~2. The second dwelling unit shall be served by a driveway at least ten feet in width, leading from a public street adjacent to the lot.~~

**Commented [MP1]:** Two-Family Residential is not a listed use type in Article 3

d. Downtown Residential and Group Residential Uses in the DC District

Downtown Residential and Group Residential uses are permitted in the DC District subject to the following conditions:

## SUPPLEMENTAL USE REGULATIONS

1. Downtown 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 may be developed at street level, subject to approval by 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.

### ed. Group Residential

Where permitted, Group Residential use must comply with the following requirements:

1. Within the AG, RR, R-1, R-2, and MH districts, no more than six persons in addition to the family of the owner shall be permitted to reside in an owner-occupied dwelling unit. No more than five persons shall be permitted to reside in a non owner-occupied dwelling unit.
2. Within the R-3 and R-4 districts, no more than ten persons in addition to the family of the owner shall be permitted to reside in an owner-occupied dwelling unit. No more than seven persons shall be permitted to reside in a non owner-occupied dwelling unit.
3. A minimum of 250 square feet must be provided in the dwelling unit for each resident.

### fe. Mobile Home Parks

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

#### 1. Certification

A certification of compliance with all ordinances and regulations regarding mobile home licensing, zoning, health, plumbing, electrical, building, fire protection and any other applicable requirements shall be issued by the Zoning Administrator prior to the occupancy of any new Mobile Home Park or any expansion of an existing Mobile Home Park.

#### 2. Minimum and Maximum Area

A Mobile Home Park shall be considered to be one zoned lot. The contiguous area of a Mobile Home Park shall have a minimum of 2.5 acres and a maximum of 15 acres.

#### 3. Density Requirements

- (a) The minimum gross site area per dwelling unit shall be 5,000 square feet.
- (b) The minimum size of an individual mobile home space shall be 4,000 square feet for single-wide mobile home units and 6,000 square feet for double-wide mobile home units.
- (c) Each mobile home space shall have a width of at least 50 feet wide and a length of at least 80 feet.

## SUPPLEMENTAL USE REGULATIONS

### 4. Site Development Standards

(a) Setbacks: Each Mobile Home Park shall have a minimum perimeter setback of 30 feet from adjacent non-residential uses and 50 feet from adjacent residential uses. No space for a dwelling unit or any other structure shall be permitted in the required setback.

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

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

(d) Open Space: Each Mobile Home Park shall provide a minimum of 400 square feet of open recreational space per unit. Such space shall be provided at a central location accessible from all parts of the park by pedestrians. Required perimeter setbacks or buffers shall not be credited toward the fulfillment of this requirement.

(e) Separation Between Mobile Home Units: The minimum separation between a mobile home unit and attached accessory structure and any other mobile home units and/or accessory structure shall be 15 feet.

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

### 5. Street Access and Circulation Requirements

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

(b) Vehicular Circulation: The Mobile Home Park must provide interior vehicular circulation on a private internal street system. Minimum interior street width shall be 27 feet. The street system shall be continuous and connected with other internal and public streets; or shall have a cul-de-sac with a minimum diameter of 90 feet. No such cul-de-sacs may exceed 300 feet in length.

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

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

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

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

## SUPPLEMENTAL USE REGULATIONS

6. Tornado Shelters: Underground tornado shelters shall be provided in the Mobile Home Park. Such shelter or shelters shall be built according to the recommendations of the Emergency Management authority and be large enough to meet the specific needs of the park and its residents.
7. Utilities
  - (a) All Mobile Home Parks shall provide individual units and common facilities with an adequate, piped supply of water for both drinking and domestic purposes; and standard electrical service, providing at least one 120-volt and one 240-volt electrical service outlet to each mobile home space.
  - (b) Complete sanitary and sewer service shall be provided within each Mobile Home Park in accordance with the Subdivision Chapter of the Land Development Ordinance.
  - (c) Properly spaced and operating fire hydrants shall be provided for proper fire protection within each Mobile Home Park in accordance with the Subdivision Chapter of the Land Development Ordinance and other applicable city codes and public improvement design standards.
  - (d) All electric, telephone, gas, and other utility lines shall be installed underground.
8. Financial Responsibility: Each application for a Mobile Home Park shall include a demonstration by the developer of financial capability to complete the project; and a construction schedule.
9. Completion Schedule: Construction must begin on any approved Mobile Home Park within one year of the date of approval by the Planning Commission. Such construction shall be completed within two years of approval, unless otherwise extended by the Commission.
10. All other uses and provisions of the Waverly Mobile Home Park regulations are incorporated herein by reference. These provisions include tie-down and other structural requirements included in the Waverly Municipal Codes.

### ef. Mobile Home Subdivisions

1. Mobile Home Subdivisions shall be developed in accordance with all standards and requirements set forth in the Subdivision Chapter of the Land Development Ordinance of Waverly. Site development regulations shall be the same as those required in the R-2 Zoning District. Each mobile home shall be considered a single-family detached residential unit for the purpose of determining applicable development regulations.
2. Mobile home units within Mobile Home Subdivisions shall be built in accordance with the minimum design standards of the US Department of Housing and Urban Development and display a certification of such compliance.
3. Mobile Home Subdivisions shall provide tornado shelter facilities as required by Section 603 f(5).
4. The minimum size of a mobile home subdivision shall be ten (10) acres.

## SUPPLEMENTAL USE REGULATIONS

### hg. Earth-Sheltered Residences

No subterranean or basement structure shall be occupied for residential purposes, except for those that meet the following requirements as earth-sheltered residences:

1. The living area shall be provided with exterior windows and/or skylights with a total glassed area of at least 10% of the gross floor area of the residence. Such windows or skylights shall give direct access to natural light and open space.
2. All earth sheltered residences shall conform to the development regulations for their respective zoning districts.
3. An outdoor space shall be provided immediately outside one wall of the residence that has:
  - a) A minimum size of 500 square feet.
  - b) A minimum width of 20 feet.
  - c) An average grade elevation no more than 2 feet above or below the finished floor elevation of the residence.
4. All earth-sheltered residences shall have structural systems designed by a professional structural engineer and shall have plans signed and approved by such engineer.

### ih. Homestead Exemptions (*Est. by Ord. 01-01, 1/3/01*)

A lot or parcel of land of five acres or more located within an AG District may be used for a single family dwelling, provided that a residential structure:

1. has existed on such land for more than five years;
2. such structure is, or has been, used as the primary residence associated with a farm;
3. is in conformance with other provisions of the zoning codes, the minimum building codes, and the minimum standards for water and sewage facilities and does not represent a hazard to the health and safety of occupants;
4. have been properly platted and subdivided; and
5. leaves a balance of twenty or more acres for each parcel of land platted.

## SUPPLEMENTAL USE REGULATIONS

### 11.604 Supplemental Design Standards for Residential Districts(Amended by Ord. 11-07, 4/5/11)

#### a. Building Design

1. Architectural design and style are not restricted; however architectural style shall be consistent throughout the development. Evaluation of the appearance of a project shall be based on the quality of its design and relationship to surroundings.
2. The primary building material of residential and non residential structures within the residential zoning districts shall be negotiated with the City; however, sample materials shall include, but not be limited to, preferred materials of high quality such as brick (clay), stucco, wood, glass, pre-cast concrete, split faced concrete masonry units (CMU) with integrated color pigmentation, stone material and architectural metal siding with a standard residential appearance. Pre-engineered metal buildings or standing seam metal siding is not allowed.
3. 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.
4. 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. Measures shall be taken to break up the flatness of all buildings and reduce the scale of large buildings using windows and architectural ~~bung~~ building design and techniques. No street-facing façade may have a continuous length of 50 feet or over without an offset in the building elevation equal to a dimension of at least five feet.
5. Pitched or gabled roofs shall have a minimum roof slope equal to one foot of vertical height to every three feet of horizontal distance. Flat roofs on buildings shall have parapets. Permitted roof materials may include asphalt shingles, slate or simulated slate shingles, standing seam metal, or other similar roof materials.

Commented [MP2]: Remove Typo

### 11.605 Supplemental Use Regulations: Civic Uses(Amended by Ord. 11-07, 4/5/11)

#### a. Community Centers and Clubs

Clubs located adjacent to residential uses shall maintain a buffer yard of not less than 40 feet along the common boundary with such residential use.

#### b. Day Care

1. Limited Day Care uses are permitted on residential lots and may be operated by the occupant of a dwelling unit on the site.
2. Day care facilities are permitted by Special Use permit in the GI General Industrial Zoning District only if incidental to a permitted primary use.
3. Day care centers accommodating more than four children or adults shall :
  - a) ~~Not be located along a major arterial street as designated in the City's Comprehensive Development Plan.~~
  - b) ~~Provide at least 100 square feet of open space per child, entirely enclosed by a building, fence, or wall with a height of at least six feet.~~

## SUPPLEMENTAL USE REGULATIONS

~~e) Conform with all requirements and licensures of the State of Nebraska.~~

**Commented [MP3]:** Remove a & b. Day care centers accommodating more than four children or adults shall conform with all requirements and licensures of the State of Nebraska.

**Commented [TL4R3]:** Just updated line formatting for the sentence.

c. Group Care Facilities and Group Homes

1. Each group care facility or group home must be validly licensed by either the State of Nebraska or the appropriate governmental subdivision.
2. Group homes are permitted in the DC District only on levels above street level except that a facility specifically designed for occupancy by disabled residents may be developed at street level, subject to approval of a special permit by the City Council with the recommendation of the Planning Commission.

**11.606 Supplemental Use Regulations: Commercial Uses** (Amended by Ord. 11-07, 4/5/11)

a. Auto Repair, Equipment Repair, and Body Repair

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

b. Auto Washing Facilities

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

c. Automobile and Equipment Rental and Sales

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

d. Bed and Breakfasts

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

e. Campgrounds

1. Minimum Size: Each campground established after the effective date of this Ordinance shall have a minimum size of one acre.

## SUPPLEMENTAL USE REGULATIONS

2. Setbacks: All campgrounds shall maintain a 50-foot front yard setback and a 25-foot buffer yard from all other property lines.
3. Each campground must maintain water supply, sewage disposal, and water and toilet facilities in compliance with all City ordinances; or, alternately, be limited to use by self-contained campers, providing their own on-board water and disposal systems.

### f. Convenience Storage

When permitted in the CC, GC, GI, LI, and MH Districts, convenience storage facilities shall be subject to the following additional requirements:

1. The minimum size of a convenience storage facility shall be one acre.
2. Activities within the facility shall be limited to the rental of storage cubicles and the administration and maintenance of the facility.
3. All driveways within the facility shall provide a paved surface with a minimum width of 25 feet.
4. All storage must be within enclosed buildings and shall not include the storage of hazardous materials.
5. No storage buildings may open into required front yards.
6. Facilities must maintain landscaped buffer yards of 35 feet adjacent to any public right-of-way and 20 feet adjacent to other property lines, unless greater setbacks are required by Article Eight.

### g. Kennels

1. The minimum lot size shall be two acres.
2. No building or dog runs shall be located nearer than 1,000 feet to the property line of any residential use or district.
3. All kennel facilities shall be screened around such facilities or at property lines to prevent distracting or exciting animals. Screening shall be of a type provided by Article 8, establishing landscape and screening standards.

### h. Restaurants

Restaurants in the LC District that include the accessory sale of alcoholic beverages require approval of a Special Use Permit, as set forth in Section 11.1203.

### i. Restricted Businesses (*Amended by Ord. 00-10, 1/15/01*)

1. Every restricted business shall require approval of a Special Use Permit, as set forth in Section 11.1203.
2. Not more than one restricted business shall be located within 1,500 feet of another restricted business measured from the nearest access doors of the two establishments, regardless of whether such uses are located in the same facility, separate facilities, or different zoning districts.

### SUPPLEMENTAL USE REGULATIONS

3. No restricted business shall be permitted on the same block with any property zoned AG, RR, R-1, R-2, R-3, R-4, MH, MX, LC, CC, or DC; or within 1,500 feet of any residential or civic use type as measured from the nearest access door of the restricted business to the property line of such property or outdoor use or the nearest access door of a use within a building.
4. The operation of any restricted business, if approved by Special Use Permit, shall have business hours not to exceed 11:00 a.m. to 12:00 midnight, Monday through Saturday.

#### j. Short-Term Rentals

A special use permit shall be required for any person to make available, or advertise, a short-term rental unit within the corporate limits of the City of Waverly. Permitted Short-Term Rentals are subject to the following conditions: —

1. The maximum number of persons who may occupy said short-term rental is calculated as the total number of sleeping areas on the licensed premises multiplied by two, up to a maximum of 12 persons.
2. No more than 10% of the total dwelling units 10 in a multi-family premises may be used or registered as short-term rentals. Regardless of the 10% cap, a multi-family premises may have at least one short term 12 rental.
3. Said short-term rental shall file the required lodging taxes with the county and state
4. Said short-term rental shall be properly maintained including structural maintenance and the grounds, per local and state building codes.
5. Said short-term rental is subject to the property's zoning district off-street parking requirements, per Article 9 of the Waverly Zoning Regulations
6. Said short-term rental shall not be used for any of the following:
  - (a) Housing sex offenders.
  - (b) Operating a structured sober living home or similar enterprise.
  - (c) Selling illegal drugs.
  - (d) Selling alcohol or another activity that requires a permit or license under the Nebraska Liquor Control Act.
  - (e) Operating a sexually oriented business.
  - (f) Any other type of illegal activities as defined by local, state, and federal laws.

Failure to comply with the regulations in Section 11.606j may result in any permit for a short-term rental to be revoked.

**Commented [MP5]:** Should STR's be allowed in multi-family dwellings?

#### **11.607 Supplemental Design Standards for Office and Commercial Uses in the MX and LC Districts** (Amended by Ord. 11-07, 4/5/11)

- a. Design Standards for the MX Mixed Use Urban and LC Limited Commercial Districts

## SUPPLEMENTAL USE REGULATIONS

In order to maintain the character of mixed use urban corridors within Waverly, the following design standards shall apply to any office or commercial use developed within the LC District:

1. No single building has a building coverage area that exceeds 10,000 square feet.
2. No street-facing facade may have a continuous length of 50 feet or over without an offset in the building elevation equal to a dimension of at least five feet.
3. Window area on each facade shall be equal to at least 20% of the area of that facade.
4. Exterior materials shall be brick, stone, wood clapboard, or other exterior materials typical of exterior building materials in common use in Waverly's residential districts or town center business district.
5. The dominant roof form shall be a pitched or gabled roof with a minimum roof slope equal to one foot of vertical height to every three feet of horizontal distance. Permitted roof materials may include asphalt shingles, slate or simulated slate shingles, standing seam metal, or other similar roof materials.
6. Surface parking may be adjacent to no more than 35% of the property line of the site's principal street frontage.
7. 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.

### 11.608 Supplemental Use Regulations: Industrial Uses (Amended by Ord. 11-07, 4/5/11)

#### a. Resource Extraction

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

1. **Erosion Control:** A resource extraction use may not increase the amount of storm run-off onto adjacent properties. Erosion control facilities, including retention and sediment basins, are required of each facility, if necessary, to meet this standard.
2. **Surface Drainage:** The surface of the use may not result in the collection or ponding of water, unless specifically permitted by the City Council.
3. **Storage of Topsoil:** Topsoil shall be collected and stored for redistribution following the end of the operation.
4. **Elimination of Hazards:** Excavation shall not result in a hazard to any person or property. The following measures are required:
  - (a) Restoration of slopes to a gradient not exceeding 33% as soon as possible.
  - (b) Installation of perimeter safety screening.
  - (c) Installation of visual screening adjacent to any property within a residential or public use district.
5. **Restoration of Landscape:** The topography and soil of the resource extraction site shall be restored and stabilized within nine months of completion of the operation. The site shall be

## SUPPLEMENTAL USE REGULATIONS

seeded, planted, and contoured in a way that prevents erosion. Alternately, the site may be used as a lake or body of water, subject to approval by the City Council with the recommendation of the Planning Commission.

b. Salvage Services (Amended by Ord. 04-05, 7/5/04)

1. All salvage service operations shall be conducted within a fully enclosed building.
2. No loading, unloading, or any other operational activity involving salvage materials may take place outside the boundaries of the enclosure. Burning of any materials shall be prohibited.
3. No Salvage Services use may be established within 1,000 feet of the nearest property line of a residential zoning district or any civic use.

**11.609 Performance Standards for Industrial Uses**(Amended by Ord. 11-07, 4/5/11)

a. Industrial Uses in the LI District: Performance Standards

The following performance standards apply to all industrial uses permitted within an LI Limited Industrial zoning district:

1. **Physical Appearance:** All operations shall be carried on within an enclosed building except that new materials or equipment in operable condition may be stored outside. Normal daily inorganic wastes may be stored outside in containers, provided that such containers are not visible from the street.
2. **Fire Hazard:** No operation shall involve the use of highly flammable gases, acid, liquids, or other inherent fire hazards. This prohibition shall not apply to the normal use of heating or motor fuels and welding gases when handled in accordance with the regulations of Lancaster County and the City of Waverly.
3. **Maximum Permitted Sound Levels Adjacent to Residential Zoning Districts:** No operation in the LI district shall generate sound levels in excess of those specified in Table 6-1 at the boundary of a residential district. All noises shall be muffled so as not to be objectionable because of intermittence, beat frequency, or shrillness.
4. **Sewage and Wastes:** No operation shall discharge into a sewer, drainage way, or the ground any material which is radioactive, poisonous, detrimental to normal sewer plant operation, or corrosive to sewer pipes and installations.
5. **Air Contaminants:** No material may be discharged into the air from any source in such quantity as to cause injury, detriment, nuisance, or annoyance to any considerable number of people or to the public in general; or to endanger the health, comfort, or safety of any considerable number of people or to the public in general; or to damage other businesses, vegetation, or property.
6. **Odor:** The emission of odors determined by the Planning Commission to be obnoxious to most people shall be prohibited. Such odors shall be measured at the property line of the operation.
7. **Gases:** No release of noxious or poisonous gases shall be permitted except as provided in this section. Measurements of sulfur dioxide, hydrogen sulfide, or carbon monoxide shall not exceed 5 parts per million taken at the property line of the operation.

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

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

10. Storage of Chemical Products: If allowed by Special User Permit, any above or below ground storage of liquid petroleum products or chemicals of a flammable or noxious nature shall not exceed 150,000 gallons when stored on one lot less than one acre. Such storage shall not exceed 25,000 gallons in any one tank. Storage of liquid petroleum products or chemicals of a flammable or noxious nature in excess of 25,000 gallons shall be located at least 50 feet from any structure intended for human habitation and at least 200 feet from any Residential, Office, or Commercial zoning district.

### 11.610 Supplemental Design Standards for Industrial Districts (Amended by Ord. 11-07, 4/5/11)

#### a. Building Design

The primary building material of Industrial structures shall be negotiated with the City; however, sample materials shall include, but not be limited to, preferred materials of high quality such as brick (clay), stucco, wood, glass, pre-cast concrete, split faced concrete masonry units (CMU) with integrated color pigmentation, and stone material.

##### 1. Exposed concrete systems are allowed subject to the following standards:

- I. Panels shall be embossed with reveals that repeat a common pattern.
- II. 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.
- III. All main entries (or storefronts) shall be identified by the use of an arcade, covered entry, spandrel glass, or other similar architectural feature.

2. Pre-engineered metal building panels will be allowed provided that a minimum of 30 percent of the street side façade(s) is of a preferred material and that the metal material is of good quality with a factory applied finish. Standard corrugated or galvanized metal is not allowed.

#### b. Landscaping - Exterior Boundaries

1. A landscaped buffer of a minimum of 25 feet in width shall be maintained within and along the exterior boundaries of any industrial development or industrial park except those portions of the boundaries adjacent to dedicated public streets and alleys.

#### c. Landscaping - Developed Lots

1. 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 City of Waverly. Proposed landscaping shall be included upon the preliminary plat. Landscaping in accordance with the approved final plat and subdivision agreement is mandatory.

**SUPPLEMENTAL USE REGULATIONS**

d. Outdoor Waste Storage – Screened From View

1. 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.

e. Landscaping – Interior Property Lines

1. A landscaped buffer of a minimum of ten feet in width shall be established and maintained along the interior of property lines of all lots in any industrial park except for those areas used for ingress and egress to the property through curb-cuts opening onto dedicated public streets and alleys.

**11.611 Maximum Permitted Sound Levels Adjacent to Residential Zoning Districts** (Amended by Ord. 11-07, 4/5/11)

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

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

<u>Originating Zoning District</u>	<u>Time</u>	<u>Maximum One Hour Leq* (dba)</u>
CC, GC, LI	7:00 a.m. - 10:00 p.m.	60
	10:00 p.m. - 7:00 a.m.	55
GI	7:00 a.m. - 10:00 p.m.	65
	10:00 p.m. - 7:00 a.m.	55

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

**11.612 Supplemental Use Regulations: Miscellaneous Uses**(Amended by Ord. 11-07, 4/5/11)

a. Communications Towers

Communications towers, where permitted, are subject to the following additional requirements:

1. Co-Location: It is the policy of the City of Waverly to encourage the co-location of new communications towers with existing towers or as part of suitable existing structures. All applications for approval of a communications tower location shall include evidence that all potential alternatives for location on existing towers or suitable buildings has been explored and exhausted. Applicants may not be denied space on an existing tower within the City of Waverly unless mechanical, structural, or regulatory factors prevent co-location.

2. Towers shall be located so that the distance from the base of the tower to any adjoining property line, or permanent structures except tower supporting structures, or the supporting structure of another separate tower is a minimum of 100% of the tower height. *(Amended by Ord. 04-04, 5/3/04)*

## SUPPLEMENTAL USE REGULATIONS

3. The tower facility shall be designed to be aesthetically and architecturally compatible with the built environment of the City of Waverly. Associated support buildings shall be designed with materials that are consistent with those in the surrounding neighborhood. Metal exteriors shall not be permitted for support accessory buildings.

4. All tower facilities shall provide landscaped peripheral yards with a minimum depth of 35 feet. One tree consistent with the provisions of Article 8 shall be planted for every 500 square feet of required peripheral yard area.

### b. Landfills

1. Compliance with Codes: Each landfill must comply with all relevant city, county, State, or Federal codes and statutes.

2. Prevention of Hazards: No facility shall present a hazard to surrounding residents or properties.

3. Drainage and Water Supply: No landfill may modify or prevent the flow of major natural drainage ways within the jurisdiction of the City of Waverly. Landfills shall not produce a measurable increase in pollution in any public water-based recreational facility or in any waterway or well that is a part of a public or private water supply.

4. Minimum Separation from Residential Uses: No non-putrescible landfill may be established within 300 feet of a developed residential or public use. No landfill involving the disposal of putrescible or septic wastes shall be established within one-fourth mile of any residential, public, or commercial zoning district; or any State or Federal Highway.

5. Restoration of Site: The site of any landfill must be restored, stabilized, planted, and seeded within six months after the end of the operation. Dissipation of waste products must be accomplished in a manner approved by the State of Nebraska Department of Environmental Quality.

6. Toxic Waste: The disposal of hazardous, toxic, or radioactive wastes as defined by the Federal Environmental Protection Agency shall be prohibited within the City of Waverly and its extra-territorial jurisdiction.

### c. On-Site Dwelling for Resident Manager Permitted for Self-Storage Warehousing Only (Amended by Ord. 14-05, 7-1-14)

1. Minimum Lot Size: One acre.

2. Dwelling: The minimum square feet of the dwelling unit for the resident manager shall be 900 square feet with a maximum of 1000 square feet. The dwelling shall be attached to one of the storage facility buildings and located at the main entrance of the property. The dwelling shall be a single story, slab on grade dwelling with a maximum height of 20 feet. The dwelling shall meet all Building, Energy Conservation, Plumbing, Mechanical, and Fire Codes set forth by the City of Waverly Residential Code. The exterior materials of the dwelling shall be similar to that of the materials of the storage facilities with a minimum of 30% of the street side facade(s) being of brick; native or manufactured stone. All Industrial Site Development Regulations not specified here within shall be followed.

### d. Swimming Pools

## SUPPLEMENTAL USE REGULATIONS

1. Permit Required: Building permits are required for all pools, spas, and hot tubs which have a maximum depth of greater than twenty-four inches (24").

2. Barrier Requirement: The following is required for any pool, spa, and hot tub greater than 24" in maximum depth:

(a) A barrier with a minimum height of four feet (4') or forty-eight inches (48").

(b) Any openings in the barrier shall not allow the passage of a four-inch (4") diameter sphere

(c) Access gates shall be of the latching type and shall be equipped to accommodate a locking device

Exception: Spas or hot tubs with a safety cover which comply with ASTM F 1346 shall be exempt from the above barrier requirements.

3. Location and Setbacks:

(a) Pools, spas, and hot tubs shall not be allowed within the required front yard of any lot.

(b) Pools, spas, and hot tubs shall be located a minimum of five feet (5') from any side and/or rear lot line.

(c) Pools shall be located a minimum of six feet (6') from the foundation of any building, principal structure, and/or accessory structure.

**Commented [MP6]:** Current handout states 5' from side lot line, 8' from rear. Not sure why 8' was established as the rear setback. These setbacks are not listed in any of the current regulations, muni code, or permit form. 5' setback is common in other communities.

### 11.613 Supplemental Use Regulations: Accessory Uses (Amended by Ord. 11-07, 4/5/11)

#### a. Home-Based Businesses/ Home Occupations

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

##### 1. External Effects:

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

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

(c) The home occupation shall be carried on entirely within the principal residential structure and/or within a detached accessory building approved by the City in accordance with these zoning regulations. All "External Effects" criteria in items a. 1. (a), (b), (d), (e) and (f) of this subsection are applicable for the detached accessory building. Signage is not allowed upon the detached accessory building.

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

## SUPPLEMENTAL USE REGULATIONS

- (e) No outdoor storage of materials or equipment used in the home occupation shall be permitted, other than motor vehicles used by the owner to conduct the occupation. Parking or storage of heavy commercial vehicles to conduct the home occupation is prohibited.
- (f) No home occupation shall discharge into any sewer, drainage way, or the ground any material which is radioactive, poisonous, detrimental to normal sewer plant operation, or corrosive to sewer pipes and installations.
2. Employees: The home occupation shall employ no more than one full time or part time employee on site other than the residents of the dwelling unit, provided that one off-street parking space is made available and used by that non-resident employee.
3. Extent of Use: For all residential and agricultural zoning districts, the lesser of 25% of the floor area of the dwelling or 400 square feet may be devoted to the home occupation, inclusive of any detached accessory buildings used for the home occupation.
4. Signage: Each home-based business shall be permitted to have one wall sign not to exceed four square feet in area.
5. Traffic Generation and Parking
- (a) Deliveries or service by commercial vehicles or trucks rated at fourteen tons or more gross empty weight is prohibited for any home-based business located on a local street.
- (b) Parking needs generated by a home-based business shall be satisfied with off-street parking. No more than one vehicle used in connection with any home occupation shall be parked on the property. Such parking shall not be located in a required front yard. No more than two on-street parking spaces shall be used by the home occupation at any one time.
6. Prohibited Home-Based Businesses/Home Occupations: The following activities are prohibited as home-based businesses, even if they meet the other requirements set forth in this section:
- (a) Animal hospitals.
- (b) General retail sales.
- (c) Mortuaries.
- (d) Repair shops or service establishments including major electrical appliance repair, motorized vehicle repair, and related uses except with a Special Use Permit.
- (e) Stables or kennels.
- (f) Welding, vehicle body repair, or rebuilding or dismantling of vehicles.

## SUPPLEMENTAL USE REGULATIONS

### 11.614 SMALL AND COMMERCIAL WIND ENERGY CONVERSION SYSTEMS

*(Amended by Ord. 13-11; 9/17/13)*

1. **Intent:** In order to balance the need for clean, renewable energy resources with the protection of the health, safety, and welfare of the residents of Waverly, Nebraska, finds these regulations are necessary in order to ensure that all wind energy conversion systems are appropriately designed, sited, and installed.

These regulations pertaining to all wind energy conversion systems are intended to respond to equipment available at the time of adoption. The City of Waverly recognizes that this is an emerging technology and that new means of collecting wind energy, such as, but not limited to, vertical axis wind turbine generators are under development. Accordingly, these standards will be reviewed and may be amended as technology advances.

#### **Types of Wind Energy Systems:**

**A. Small Wind Energy Conversion System - (SWECS)** – A wind energy conversion system which has a rated capacity of up to Twenty-Five (25) kilowatts, as per “Net Metering provisions, and which is incidental and subordinated to another use of the same parcel. A system is considered a small wind energy system only if it supplies electrical power for site use, except that when a parcel on which the system is installed also received electrical power supplied by a utility company, access electrical power generated and not presently needed for onsite use may be sold back to the utility company. *(25 Kilowatt limit approved by the Waverly Planning Commission to increase to a maximum of 100 Kilowatts with Nebraska State Legislature authorization by future amendment)*

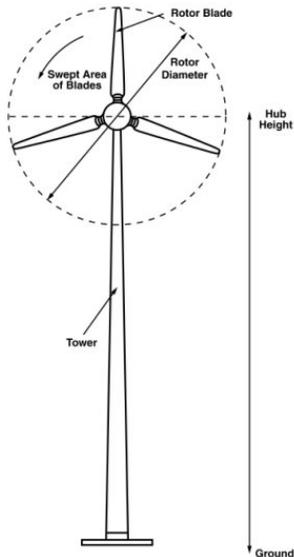
**B. Commercial Wind Energy Conversion System – (CWECS)** A wind energy conversion system under common or aggregated ownership or operating control that includes substations, MET towers, cables/wires and other building accessories, who’s main purpose is to supply electricity to off-site customers.

#### **Definitions:**

**A. Aggregated Project** – Those projects that are developed and operated in a coordinated fashion, but which have multiple entities separately owning one or more of the individual CWECS within a larger project. Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity but are also included as part of the aggregated project.

**B. Fall Zone** – The area, defined as the furthest distance from the tower base, in which a tower will collapse in the event of a structural failure.

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C. **Feeder Line** – 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 the interconnection shall be the substation serving the WECS.

D. **Height, hub** – The height above grade of the fixed portion of the tower, including the generation unit, measured to the hub or center point of the rotor blade diameter.

E. **Height, total system** – The height above grade of the system, including the generating unit and measured the highest vertical extension of any rotor blades or rotors.

F. **Meteorological Tower** – For the purposes of wind energy conversion systems, meteorological towers are those which are erected primarily to measure wind speed and direction plus other data relevant to locating a CWECs. Meteorological towers do not include towers and equipment used by airports, the Nebraska Department of Transportation or other similar applications to monitor weather conditions.

G. **Rotor Diameter** – The diameter of the circle created by the outer most point of the rotor blades of the windmill. (see Diagram #1)

H. **Shadow flicker** – Strobe effect that occurs when sun is horizontal to rotor blades, which causes repetitive intermittent shadows that can affect people on adjacent or near-by properties.

I. **Substations** – Any electrical facility utilized to convert electricity produced by a Commercial Wind Energy Conversion System for interconnection with high voltage transmission lines.

J. **Tower** – The vertical component of a wind energy conversion system that elevates the wind turbine generator and attached blades above the ground.

K. **Transmission Line** – The electrical power lines that are High Voltage Transmission Lines carrying electricity over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers.

L. **Wind Energy Conversion System (WECS)** – An aggregation of parts including the base, tower, generator, rotor, blades, supports, and configuration as necessary to convert the power of wind into mechanical or electrical energy, e.g. wind charger, windmill, or wind turbine.

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M. **Wind Turbine Generator** – The component of a wind energy system that transforms mechanical energy from the wind into electrical energy.

### 2. **Small Wind Energy Conversion System**

A Small Wind Energy Conversion System (SWECS) is a facility used for the production of a maximum of Twenty-Five (25) kilowatts of electrical energy supplied by the wind. The facility may include wind turbine(s) with total height(s) of one hundred (100) feet or less and any transmission lines. The SWECS is primarily used to generate energy for use by its owner. A small wind energy facility shall be sited and designed to minimize adverse visual impacts on neighboring properties. **To be used in conformance with Nebraska State Statutes, 70-2001 through 70-2005, regarding Net Metering.** *(25 Kilowatt limit approved by the Waverly Planning Commission to increase to a maximum of 100 Kilowatts with Nebraska State Legislature authorization by future amendment)*

#### A. **General Site and Design Standards**

1. Located on a lot or parcel of at least three (3) acres;
2. Shall be permitted by an approved **Special Use Permit** to be issued in the “AG”, “RR”, “R-1” to “R-4”, “MX”, “LC”, “CC”, “DC”, “GC”, “BP”, “LI” and “GI” Zoning Districts.
3. SWECS shall maintain a minimum setback distance from any property line of one (1.0) times the total system height of the windmill for non-participating property owners. Adjoining property owners participating in the same or Aggregated Project shall have no setback requirements between adjoining properties.
4. SWECS shall maintain a minimum setback distance from any public road, or highway of at least one point one (1.1) times the total system height of the windmill from the public road or highway right-of-way.
5. In no case shall a WECS be located within any required setback or in any front yard area.
6. Turbines and towers shall be of tubular design, or other design approved by the City of Waverly, and if painted or coated, shall be of a non-reflective white, grey, or other neutral color and shall not be used to display advertising.
7. SWECS shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration (FAA).
8. All electrical wires associated with a small wind energy system other than the wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires shall be located underground.

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9. The minimum distance between the ground and any part of the rotor blade system shall be thirty (30) feet.
10. All ground mounted electrical and control equipment must be labeled and secured to prevent unauthorized access. A tower may not have step bolts or a ladder within eight (8) feet of the ground that is readily accessible to the public.
11. The owner of a small wind energy facility shall minimize or mitigate any interference with electromagnetic communications, such as radio, telephone or television signals caused by the facility.
12. Construction access must be re-graded and re-vegetated to minimize environmental impacts.
13. A SWECS application must include an agreement that addresses decommissioning and abandonment of the facility. The agreement must at a minimum provide for reuse or dismantlement of the facility at the owner's expense.

#### **B. Application Requirements**

1. A survey map at an appropriate scale identifying:
  - ❖ Site boundary;
  - ❖ Adjacent public right-of-ways;
  - ❖ Existing structures;
  - ❖ Proposed small wind energy system and accessory structures; Adjacent ownership and existing residences;
  - ❖ Any overhead utility lines.
2. A report from a licensed engineer containing:
  - a. Small wind system specifications including manufacturer and model; rotor diameter, tower height, tower type (freestanding or guyed);
  - b. Documentation to establish that the tower has sufficient structural integrity for the proposed use at the proposed location;
  - c. Certification that the small wind energy system complies with all applicable state construction and electrical codes and the National Electrical Code.
3. Compliance with FAA Regulations, including any Documentation required by the FAA certifying approval of proposed location when located within the three (3) mile Planning Jurisdiction of any airport.
4. Signed letter of Notification by the property owner submitted to the Electrical Supplier/Purchaser, Lancaster County Assessor's Office, and City of Waverly Zoning Administrator, signifying utility service is approved.
5. Require proof of insurance on application.

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### 3. Commercial Wind Energy Conversion System – (CW ECS)

A wind energy conversion system under common or aggregated ownership or operating control that includes substations, MET towers, cables/wires and other building accessories, who's main purpose is to supply electricity to off-site customers.

Commercial Wind Energy Conversion Systems may be included as an aggregated project. Such as those projects that are developed and operated in a coordinated fashion, but which have multiple entities separately owning one or more of the CW ECS within a 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. All individual wind turbine towers of an aggregated project shall be in conformance with Section 6.55 (A) items one through 15.

#### A) General Site and Design Standards:

1. Located on a lot or parcel of at least ten (10) acres in size.
2. The entire aggregated project shall be permitted by a **Special Use Permit** in an "AG" Zoning District.
3. If an aggregated project, setbacks from multiple entities (turbines) shall be one and one-tenth (1.1) times the height of the total system.
4. Each CW ECS location must have a 911 address.
5. CW ECS shall be designed and placed in such a manner as to minimize to the greatest extent feasible, adverse visual and noise impacts on adjacent areas. This shall include documentation of:
  - a) Noise levels conforming to the International Electromechanical Commission (IEC) Standard 61400-11 part 11; and
  - b) Projections of the "shadow flicker" on any existing structures located off the property on which the CW ECS will be constructed and the extent and duration of the shadow flicker on these existing structures.
6. CW ECS shall maintain a minimum setback distance from any property line of one and one-half (1.5) times the total system height of the windmill for non-participating property owners. Adjoining property owners participating in the same Aggregated Project shall have no setback requirements between adjoining properties.
7. CW ECS shall maintain a minimum setback distance from any public road, or highway of at least one point one (1.1) times the total system height of the windmill from the public road or highway right-of-way.
8. In no case shall a WECS be located within any required setback or in any front yard area.

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9. Structures for wind turbines shall be self-supporting tubular towers, if painted or coated shall be of a non-reflective neutral color such as white or pale gray. No lattice structure shall be used. No logos or advertisements are allowed on these structures. Each turbine shall be marked with a visible identification number located no higher than fifteen (15) feet above ground level.
10. Colors and surface treatment of the CWECs and supporting structures shall, to the greatest extent possible, minimize disruption of the natural characteristics of the site.
11. Reasonable measures shall be taken to mitigate specific adverse visual impacts such as reflections, shadow flicker, and blade glint affecting residences within or immediately adjacent to the project area.
12. CWECs shall be equipped with air traffic warning lights or other marking lights only if so required by the Federal Aviation Administration and in which event, such light should be positioned or shielded to avoid visual impact on neighboring properties, and shall be a white flashing light from daylight till twilight and a steady red light night time. Light system must be maintained and working at all times.
13. The applicant shall minimize or mitigate any interference with electromagnetic communications, such as radio, telephone or television signals caused by any wind energy facility.

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14. A Meteorological Tower is permitted by a **Special Use Permit** for the purposes of the Aggregated Project. Meteorological towers shall meet the same setback requirements of those established for an Aggregated Project. If the tower is non-functional, it shall be removed after a period of two (2) years.
15. CW ECS shall have a minimum setback of one-quarter (1/4) mile from any adjacent residence not owned by the owner of the CW ECS. However, no setback is required between an adjacent residence of an owner participating in the same Aggregated Project.

#### Application Requirements

The applicant for a Special Use Permit for construction of a CW ECS shall file an application with the City of Waverly Zoning Administrator. The application shall include the name(s) of the project applicant(s), the name of the project owner(s), and the legal description and address for the project. The application shall also include the following documents:

A. A survey map illustrating the following:

1. Property lines, dimension, acreage and contours with appropriate intervals for site evaluation.
2. Location and elevation of all components of the proposed CW ECS.
3. Location and dimensions of all existing structures and uses on property within three hundred (300) feet of the system;
4. Height of any structures over thirty-five (35) feet within a five hundred (500) foot radius on site or offsite of the proposed CW ECS;
5. Location of any overhead utility lines on the property;
6. Location of all known communications towers within two (2) miles of the proposed CW ECS
7. Access roads;
8. Adjacent ownership, land uses, existing residences, schools, churches, hospitals, public libraries, federal, state, county or local parks, recognized historic or heritage sites, identified wildlife preserves, or habitat areas to a distance of 2,640 feet (one-half mile).
9. Provide a copy of the Easement Deed from the Lancaster County Register of Deeds Office for each property involved in the CW ECS.
10. Provide a map illustrating all transmission lines connecting to the Substation.
11. Copy of Agreement or Notification of Compliance Letter between any Airport Authority and the Applicant.

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- B. Applicant shall identify potential effects in terms of constraints or benefits the wind energy facility may place on current or future use of the land within the project site and the surrounding area. The extent of any limitations due to public health and safety risks shall be specifically addressed, and the effects on the following activities shall also be addressed:
1. Existing or proposed tourist or recreation activities;
  2. Residential activities;
  3. Industrial activities;
  4. Agricultural activities;
  5. Commercial activities
- C. Soil erosion, sediment control, and storm water runoff plan shall address what types of erosion control measures will be used during each phase of the project. It shall identify plans for:
1. Grading;
  2. Construction and drainage of access roads and turbine pads;
  3. Design features to control dust;
  4. Design features to maintain downstream water quality;
  5. Re-vegetation to ensure slope stability;
  6. Restoring the site after temporary project activities;
  7. Disposal or storage of excavated materials;
  8. Protecting exposed soil;
  9. Stabilizing restored material and removal of silt fences or barriers when the area is stabilized; and
  10. Maintenance of erosion controls throughout the life of the project.
- D. Applicant shall provide information regarding flora and fauna of the proposed project area including:
1. Officially listed threatened or endangered species;
  2. Critical habitat and habitat conditions;
  3. An avian study based on the US Fish and Wildlife Services "Interim Guidelines to Avoid and Minimize Wildlife Impacts from Wind Turbines"
- F. Standard drawings of the structural components of the CWECS, including structures, tower, base, and footings.
- G. Certification by a registered engineer that:
1. There is a substantial need for the proposed use or CWECS, one hundred (100) kW or greater;
  2. All applicable local, state, and federal building, structural and electrical codes have been followed;
  3. The site is feasible for a CWECS; the CWECS can be successfully operated in the climate conditions found in Lancaster County;
  4. The rotor and over speed control have been designed for the proposed use on the proposed site;
  5. The design and safety of the proposed tower to withstand winds of ninety (90) miles per hour; and

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6. If the wind turbine were to fall, no building or structure, existing or potential, would be damaged.

### Construction and Operations

- A. All public roads to be used for the purpose of transporting CWECs, substation parts, cement or equipment for construction, operation, or maintenance of the CWECs shall be identified and applicable weight and size permits from the impacted road authority(ies) shall be obtained prior to construction.

A pre-construction survey must be conducted with the appropriate jurisdictions to determine existing road conditions. Those included are Applicant(s); Land Owner(s); CWECs Owner(s); Township Representative(s), Highway Superintendent and/or Zoning Administrator. The survey shall include photographs and a written agreement to document the conditions of the public roads and facilities. All expenses of the survey shall be the Applicant's responsibility.

- B. The CWECs owner shall be responsible for immediate repair of damage to public roads and drainage systems stemming from construction, operation, or maintenance of the CWECs
- C. 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.

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### Safety Measures

- A. Each CW ECS shall be equipped with both manual and automatic controls to limit the rotational speed of the rotor blade so it does not exceed the design limits of the rotor.
- B. The Planning Commission shall determine the height, color, and type of fencing, if needed, for the CW ECS installation. CW ECS shall include no sign or advertising of any kind, except for one sign not to exceed two (2) square feet posted at the base of the tower, electrical equipment, and entrances. The sign shall contain the following information:
  - 1. Warning – high voltage
  - 2. Manufacturer’s name
  - 3. Operator’s name
  - 4. Emergency phone number
  - 5. Emergency shutdown procedures
- C. Each CW ECS shall be properly grounded to safely sustain natural lightning strikes in conformance with the National Electric Code.
- D. Any CW ECS facility shall be equipped with anti-climbing devices. Tower climbing apparatus shall not be located within fifteen (15) feet of the ground. Where the tower is capable of being climbed, a locked, protective fence at least six (6) feet high shall enclose the tower.
- E. The CW ECS operator shall maintain a current insurance policy which will cover liability, installation, operation, and any possible damage or injury that might result from the failure of a tower or towers or any other part or parts of the generation and transmission facility. The amount of said policy shall be established as a condition of approval. The CW ECS shall be warranted against any system failures reasonably expected in severe weather operation conditions

### Discontinuation and Decommissioning.

- A. CW ECS shall be considered a discontinued use after one (1) year without energy production, unless a plan is developed and submitted to the City of Waverly Zoning Administrator outlining the steps and schedule for returning the CW ECS to service. All CW ECS and accessory facilities shall be removed four (4) feet below ground level within ninety (90) days of the discontinuation of use. This period may be extended by the Zoning Administrator following a written request by an agent of the owner of the CW ECS.
- B. Each CW ECS shall have a decommissioning plan outlining the anticipated means and costs of removing CW ECS at the end of the serviceable life or upon becoming a discontinued use. The cost estimates shall be made by a competent party, such as a profession engineer, a contractor capable of decommissioning, or a person with suitable expertise or experience with decommissioning.
- C. At the end of the aggregated project’s useful life, the entire site shall be restored in accordance with the requirements of this condition within eighteen (18) months.

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### Noise

No CW ECS shall exceed 60 dBA at the nearest structure occupied by humans. In the event of periods of severe weather, as defined by the United States Weather Service, a CW ECS may exceed 60 dBA

### 11.615 Supplemental Use Regulations: Temporary Uses (Amended by Ord. 11-07, 4/5/11)

#### a. Purpose

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

#### b. Temporary Use Types

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

1. Model homes or apartments, if contained within the development to which they pertain.
2. Development sales offices. Such offices may remain in place until 90% of the lots or units within the development are sold and may not be located within a mobile home or manufactured home/structure.
3. Public assemblies, displays, and exhibits.
4. Commercial circuses, carnivals, fairs, festivals, or other transient events, provided that events are located on property owned by the sponsoring non-profit organization, or are located within a "GC" General Commercial District or more intensive zoning district.  
*(Amended by Ord 13-11; 9-17-13)*
5. Outdoor art shows and exhibits.
6. Christmas tree or other holiday-related merchandise sales lots, provided that such facilities are not located in a residential zoning district.
7. Construction site offices and related storage units:*(Amended by Ord. 08-10; 8-4-08)*
  - a. Located on the construction site itself and shall be removed within two weeks of receipt of the certificate of occupancy.
8. Outdoor special sales, provided that such sales operate no more than three days in the same week and five days in the same month; and are located in commercial or industrial zoning districts.
9. Construction Batch Plants in the LI District, provided that:
  - (a) No plant may be located within 600 feet of a developed residential use, park, or school.
  - (b) The facility is located no more than one mile from its job site. The Zoning Administrator may extend this distance to two miles, if such extension avoids use of local streets by plant-related vehicles.

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

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

10. Portable storage units for on-site storage: *(Established by Ord. 08-10; 8-4-08)*
- a. Number, Duration and Removal:
    - 1.) No more than one portable storage unit per site.
    - 2.) Storage unit shall be no larger than eight (8) feet wide, sixteen (16) feet long and eight (8) feet high.
    - 3.) No portable storage unit shall remain on site in a residential district in excess of thirty (30) consecutive days during a one-year period. The building official may permit placement of portable storage container on a residential property for more than thirty days, subject to building setback requirements, provided that the property owner has a valid building permit or can demonstrate that extenuating circumstances exist to justify the extension. Extenuating circumstances include, but not limited to a disaster such as a tornado, flood or fire.
    - 4.) Under no circumstances should a portable storage container be defined or allowed to become an accessory structure or use on the site.
  - b. Placement:
    - 1.) Portable storage units are to be placed only in driveway or back yard and be set back a minimum of ten (10) feet from the front property line or five (5) feet from the rear property line.
  - c. Signage:
    - 1.) All portable storage containers must include a sign not to exceed two (2) square feet which is clearly visible from the right of way which includes the container identification number, date of placement on the property, date that removal is required, and a local or toll free number of the storage container company.
  - d. Allowed Use:
    - 1.) The Zoning Administrator shall allow portable storage units only upon issuance of a permit. The Governing Body shall set the fee for such permit by resolution.
11. Roll-off unit: *(Established by Ord. 08-10; 8-4-08)*
- a. Used only in conjunction with construction, remodeling, or demolition of structure, or for large scale clean up of a site.
  - b. Its use shall be temporary and used expressly for the collection of construction debris and at no time shall sanitary waste be disposed of in unit.
  - c. Placement of roll-off unit shall be on property site or driveway. Roll-off units shall not be placed in streets.
  - d. Allowed in conjunction with construction activities requiring a building permit or upon issuance of a temporary permit by the Zoning Administrator for uses not requiring a building permit such as a minor remodeling project.
12. Additional temporary uses that the Zoning Administrator determines to be similar to the previously described uses in this section.
- c. Required Conditions of All Temporary Uses
    - 1. Each site shall be left free of debris, litter, or other evidence of the use upon its completion or removal.

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2. The Zoning Administrator may establish other conditions which he/she deems necessary to ensure compatibility with surrounding land uses.
- d. Permit Application and Issuance
1. An application to conduct a temporary use shall be made to the Zoning Administrator and shall include at a minimum a description of the proposed use; a diagram of its location; information regarding hours and duration of operation; and other information necessary to evaluate the application.
  2. The Zoning Administrator may authorize a temporary use only if he/she determines that:
    - (a) The use will not impair the normal operation of a present or future permanent use on the site.
    - (b) The use will be compatible with surrounding uses and will not adversely affect the public health, safety, and welfare.
  3. The duration of the permit shall be explicitly stated on the permit and shall not exceed a time period of one (1) year. *(Amended by Ord 13-11; 9-17-13)*
  4. Decisions of the Zoning Administrator may be appealed to the Board of Adjustment.

## ORDINANCE NUMBER 25-19

AN ORDINANCE OF THE CITY OF WAVERLY, NEBRASKA TO AMEND THE WAVERLY ZONING REGULATIONS, ARTICLE 7, SUPPLEMENTAL SIGHT DEVELOPMENT REGULATIONS

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

Section 1. Whereas, that Section 11.704 Setback Adjustments, b. Encroachments on Required Yards, contained within Article 7 of the Waverly Zoning Regulations is hereby amended to read as follows:

b. Encroachments on Required Yards

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

1. Architectural projections, including roofs which cover porches, enclosed porches, window sills, belt courses, cornices, eaves, flues and chimneys, and ornamental features may project three feet into a required yard.
2. Terraces, patios, uncovered decks, and ornamental features which have no structural element more than two feet above or below the adjacent ground level may project ten feet into a required yard. However, all such projections must be set back at least three feet from an adjacent side lot line; or twenty feet from any street property line.
3. Fire escapes, fireproof outside stairways, and balconies opening to fire towers may project a maximum of 3 feet into required yards, provided that they do not obstruct the light and ventilation of adjacent buildings.
4. For buildings constructed upon a front property line, a cornice may project into public right-of-way. Maximum projection is the smaller of four feet or five percent of the right-of-way width.
5. In commercial districts, a canopy may extend into a required front yard, provided that the canopy is set back at least five feet from the front property line, covers less than fifteen percent of the area of the required front yard, and has a vertical clearance of at least eight feet six inches.
6. Accessory structures are subject to all site development regulations of its zoning district, except as provided below: (Amended by Ord. 02-07, 3-4-02; Ord. 04-02, 4-19-04; Ord. 04-10, 9-7-04; Ord. 11-06, 4-5-11)
  - (a) Side Yards: An accessory structure may be located a minimum of five feet from the side lot line of the property if it is located between the rear building line of the principal building and the rear property line.
  - (b) Front Yards: No accessory structure may be located between the front building line of the principal building and the front property line.
  - (c) Rear Yard: The minimum rear yard setback for accessory structures shall be 5 feet. This minimum rear yard setback shall be increased to 15 feet if the accessory structure is a garage with a vehicular entrance door that is directly oriented toward an alley. Double-frontage lots shall require front-yard setbacks along both street frontages as set forth in

Table 4-3. Easements may be incorporated into these required setbacks. No accessory structure shall be located within any easement or right-of-way along the rear property line.

(d) Maximum Size: The number of accessory structures for a residential zoned district shall be limited to no more than two accessory structures per residence, except for lots one-half acre or more in which case up to three accessory structures per residence may be permitted. The maximum total floor space of all attached and detached garages and storage buildings shall not exceed the smaller of 2000 square feet or the square footage contained in the footprint of the principal structure. The maximum building coverage for all structures on a residential lot shall not exceed the limits specified in Table 4-3. All accessory structures on a site, taken together, must comply with the building coverage requirements for the zoning district and shall not occupy more than 30% of any required rear yard except for irregular size lots that shall comply with the maximum building coverage for the specific zoning.

(e) Height: The height of an accessory structure shall not exceed the height of the principal structure on the lot. Any accessory structures located within 15' of the property line shall have a maximum height of 15', if placed more than 15' away from any side or rear property line, the structure can have a maximum height of 20'. The maximum height of any accessory structure shall not exceed 20 feet.

(f) Foundations: All accessory structures shall be built with a permanent foundation system that will keep the structure securely fastened in-place. Any accessory structure not built on a permanent foundation is considered a temporary structure, and is not allowed.

(g) Footings: Footings that extend below the frost line, (36" below grade), are required on all accessory structures except those with a floor area of less than 400 SF.

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

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

(j) Effect on Adjacent Properties: If an adjacent lot is built upon, the accessory structure must be entirely to the rear of the line of any principal building on such adjacent lot. No accessory building shall damage adjacent property by obstructing views, inhibiting solar access, or hindering ventilation.

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

(l) No accessory building shall be built upon any lot until construction of the principal building has begun.

(m) Appearance: The exterior appearance of all accessory structures shall be architecturally harmonious with the main residential structure and consistent with the design, scale, and appearance of the primary structure. Materials that are used to construct the accessory structure shall be exterior grade wood or better of similar appearance and durability to that of the principal structure.

(n) Carports: A carport is a covered structure used to offer limited protection to vehicles, primarily cars, from the elements. The structure can either be free standing or attached to a wall. Carports that are not architecturally connected to the principal residence by similar appearance and materials are prohibited. This includes but is not limited to metal framed structures with metal roofs, post and beam structures with a low slope roof, or a low slope roof attached to another structure or between structures.

(o) Garage Setbacks: Any garage that fronts on a public street must be set back at least 25 feet from such street, regardless of the setback requirement within the zoning district. This shall not be interpreted to waive a larger required minimum setback required by the zoning district.

**Commented [MP1]:** Deleted Lamp Post Set back regulation (o). Lamp post height and setback addressed in #7., see below

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

Section 3. Whereas, that Section 11.704 Setback Adjustments, f. Satellite Antennas, 1., contained within Article 7 of the Waverly Zoning Regulations is hereby amended to read as follows:

1. Each dwelling unit shall have no more than one satellite antenna.

Section 4. Whereas, that Section 11.704 Setback Adjustments, g. Vision Clearance Zones, contained within Article 7 of the Waverly Zoning Regulations is hereby amended to read as follows:

g. Vision Clearance Zones

Except in the DC District, no structure, including a fence, shall be built to a height of more than thirty inches (30") above the established curb grade on the part of the lot within the vision clearance zone. The vision clearance zone shall be a triangle measured from the point of intersection of the centerline of the streets to a point 90 feet in each direction from the intersection along such centerlines. At the intersection of major streets, the 90-foot distance shall be increased to 120 feet. No landscaping shall be planted in such area which will materially obstruct the view of drivers approaching the street intersection. See 11.707d for Sight Obstruction at Street Intersections.

Section 5. Whereas, that Section 11.705 Height Exceptions, b. Amateur Radio Towers and Federal Communication Commission Pronouncements, 2., contained within Article 7 of the Waverly Zoning Regulations is hereby amended to read as follows:

2. Special instances may require that amateur radio tower heights exceed 75 feet to achieve effective and reliable communications. In such cases, the Board of Adjustment may grant a Special-Use Permit to a licensed amateur radio operator for a specific tower height that exceeds 75 feet. In determining whether to grant such permission, the City Council shall consider the federal guidelines contained in PRB-1 (Amateur Radio Preemption, 101 FCC 2d (1985); codified at C.F.R. Section 97.15(e).

Section 6. Whereas, that Section 11.707 Fence Regulations, d. Sight Obstructions at Street Intersections, 3., contained within Article 7 of the Waverly Zoning Regulations is hereby amended to read as follows:

INSERT: 3. At intersections of a sidewalk and residential driveway, the intersection sight triangle shall be defined as a triangle whose legs extend 15 feet back from the

sidewalk along the driveway, and 20 feet parallel to and along the back of the sidewalk back from the intersecting driveway.

Section 7. Whereas, that Section 11.707 Fence Regulations, h. Protective Fences around Swimming Pools, contained within Article 7 of the Waverly Zoning Regulations is hereby amended to read as follows:

h. Protective Fences around Swimming Pools, Spas, and Hot Tubs

See Section 11.612 for swimming pool barrier requirements.

Section 8. Whereas, that Section 11.707 Fence Regulations, i. Residential Fences, contained within Article 7 of the Waverly Zoning Regulations is hereby amended to read as follows:

i. Residential Fences

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

1. Height: The maximum height of a fence within a required front yard or street side yard setback shall be 42 inches. The maximum height for any fence outside of a required front yard shall be six feet.
2. Exception for Street Side Yards: On corner lots, a fence built parallel to the street side yard line but set back in conformance with the required street yard setback may have a maximum height of six feet.
3. Exception to Openness Requirement: Fences built on residential property outside of required front or street side yards may exceed 50 percent of closed construction.
4. Exception for Front Yards of Double Frontage Lots: A fence built within the required front yard of a double frontage lot may be a maximum of six feet in height and may exceed 50 percent closed construction if such lot fronts an arterial street or expressway, as defined in the Comprehensive Development Plan of the City of Waverly; and if such frontage does not provide primary access to the property.
5. Exception for Separate Districts: A fence separating a residential lot from a commercial or industrial lot may be a height of 8'.
6. Materials: Fences shall be constructed of wood, chain-link, PVC/resin, stone or masonry materials, or ornamental metals only. Wood fences shall utilize standard building lumber only. Barbed wire and/or electrified fences are not permitted, and are defined as any fence that includes in its material barbs, blades, razors, electric current or other features specifically designed to injure or abrade an individual or animal who attempts to negotiate the fence. Wire mesh fences may be permitted to enclose tennis courts and game and recreation areas on public land and residential lots. Other materials may be used if approved by the Building Inspector.

Section 9. That any ordinance in conflict with this ordinance is hereby repealed.

Section 10. This ordinance shall be in full force and take effect from and after its passage, approval, and publication according to the law.

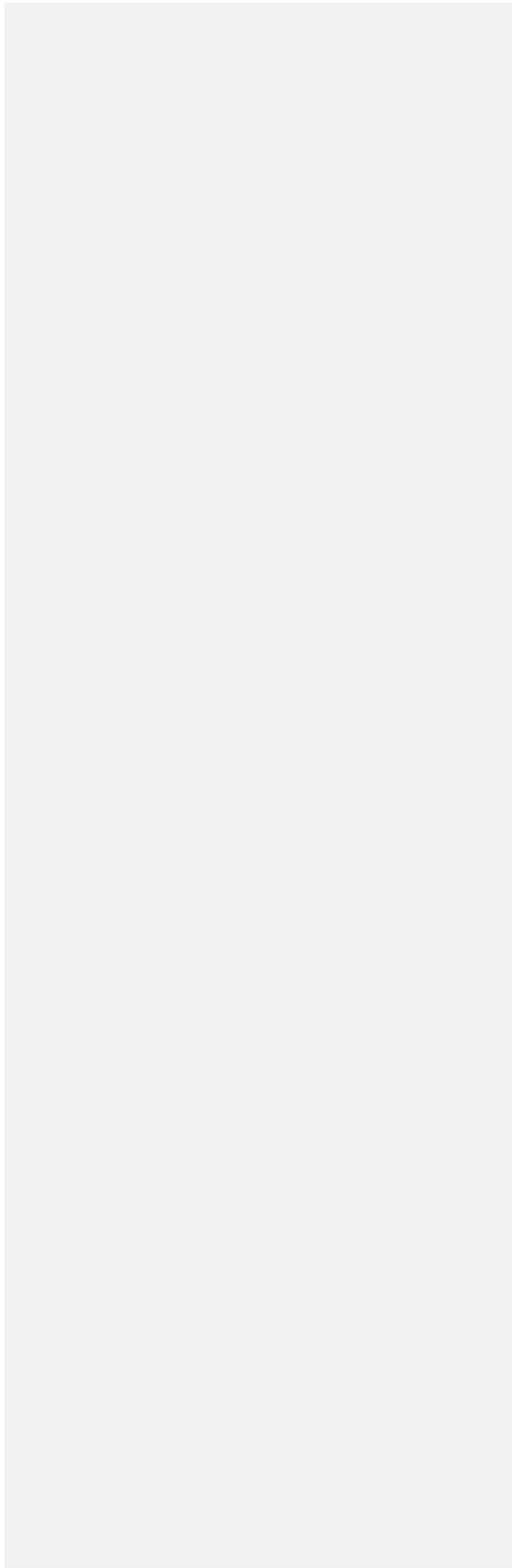
PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2025.

\_\_\_\_\_  
Abbey L. Pascoe  
Mayor

Attest:

\_\_\_\_\_  
Megan K. Frye  
City Clerk/Human Resources Assistant

(SEAL)



## SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

# 7

### ARTICLE SEVEN

#### SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

##### 11.701 Purpose

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

##### 11.702 Required Street Frontage

Except as permitted below, any lot used in whole or part for residential purposes shall provide a minimum frontage of 20 feet along at least one public street, or shall possess an exclusive, uninterrupted private easement of access or right of way of at least 20 feet wide to a public street. There shall not be more than one single-family housing unit for such frontage or easement. A common easement of access at least fifty feet in width may be provided for two or more single-family units or for one or more duplex, two-family, townhouse, or multiple-family housing units.

##### 11.703 Lot Size Exceptions

In any district permitting residential use types, a single-family or duplex use type may be located on any lot or plot of official record as of the effective date of this Ordinance, regardless of its area or width, but subject to the following requirements:

- a. The sum of the widths of the side yards of such lot shall be the lesser of those required by the district regulations or 25% of the width of the lot. No single side yard shall be less than 10% of the width of the lot.
- b. The depth of the rear yard of such lot need not exceed 20% of the depth of the lot, but shall not be less than 20 feet.
- c. If two or more such adjacent lots are combined under single ownership, the resulting combined lots shall be treated as a single lot for purposes of applying these setback requirements.

##### 11.704 Setback Adjustments

###### a. Lots Adjoining Alleys

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

###### b. Encroachments on Required Yards

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

## SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

1. Architectural projections, including roofs which cover porches, enclosed porches, window sills, belt courses, cornices, eaves, flues and chimneys, and ornamental features may project three feet into a required yard.
2. Terraces, patios, uncovered decks, and ornamental features which have no structural element more than two feet above or below the adjacent ground level may project ten feet into a required yard. However, all such projections must be set back at least three feet from an adjacent side lot line; or twenty feet from any street property line.
3. Fire escapes, fireproof outside stairways, and balconies opening to fire towers may project a maximum of 3 feet into required yards, provided that they do not obstruct the light and ventilation of adjacent buildings.
4. For buildings constructed upon a front property line, a cornice may project into public right-of-way. Maximum projection is the smaller of four feet or five percent of the right-of-way width.
5. In commercial districts, a canopy may extend into a required front yard, provided that the canopy is set back at least five feet from the front property line, covers less than fifteen percent of the area of the required front yard, and has a vertical clearance of at least eight feet six inches.
6. Accessory structures are subject to all site development regulations of its zoning district, except as provided below: (*Amended by Ord. 02-07, 3-4-02; Ord. 04-02, 4-19-04; Ord. 04-10, 9-7-04; Ord. 11-06, 4-5-11*)

(a) Side Yards: The minimum side yard setback for an accessory structure shall meet the minimum side yard setback for the principal building of the zoning district. An accessory structure may be located a minimum of five feet from the side lot line of the property if it is located between the rear building line of the principal building and the rear property line.

Exception: An accessory structure, with a floor area of no greater than eighty square feet, may be located a minimum of three feet from the side lot line of the property, if it is located between the rear building line of the principal building and the rear property line. Architectural projections shall not be closer than 2 feet to the lot line.

(b) Front Yards: No accessory structure may be located between the front building line of the principal building and the front property line.

(c) Rear Yard: The minimum rear yard setback for accessory structures shall be 5 feet. This minimum rear yard setback shall be increased to 15 feet if the accessory structure is a garage with a vehicular entrance door that is directly oriented toward an alley. Double-frontage lots shall require front-yard setbacks along both street frontages as set forth in Table 4-3. Easements may be incorporated into these required setbacks. No accessory structure shall be located within any easement or right-of-way along the rear property line.

Exception: An accessory structure, with a floor area of no greater than eighty square feet, may be located a minimum of three feet from the rear lot line of the property, if it is located between the rear building line of the principal building and the rear property line. Architectural projections, including eaves, shall not be closer than 2 feet from the lot line.

## SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

(d) Maximum Size: The number of accessory structures for a residential zoned district shall be limited to no more than two accessory structures per residence, except for lots one-half acre or more in which case up to three accessory structures per residence may be permitted. The maximum total floor space of all attached and detached garages and storage buildings shall not exceed the smaller of 2000 square feet or the square footage contained in the footprint of the principal structure. The maximum building coverage for all structures on a residential lot shall not exceed the limits specified in Table 4-3. All accessory structures on a site, taken together, must comply with the building coverage requirements for the zoning district and shall not occupy more than 30% of any required rear yard except for irregular size lots that shall comply with the maximum building coverage for the specific zoning.

(e) Height: The height of an accessory structure shall not exceed the height of the principal structure on the lot. Any accessory structures located within 15' of the property line shall have a maximum height of 15', if placed more than 15' away from any side or rear property line, the structure can have a maximum height of 20'. The maximum height of any accessory structure shall not exceed 20 feet.

(f) Foundations: All accessory structures shall be built with a permanent foundation system that will keep the structure securely fastened in-place. Any accessory structure not built on a permanent foundation is considered a temporary structure, and is not allowed.

(g) Footings: Footings that extend below the frost line, (36" below grade), are required on all accessory structures except those with a floor area of less than 400 SF.

(h) Separation from Other Buildings: No accessory structure shall be placed within ten feet ~~of any other building of any principal structure, or within five feet of any accessory structure~~ on its own property or any adjacent properties.

Exception: Accessory structures with a floor area no greater than eighty square feet shall be located no less than five feet from the principal structure on its own property.

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

(j) Effect on Adjacent Properties: If an adjacent lot is built upon, the accessory structure must be entirely to the rear of the line of any principal building on such adjacent lot. No accessory building shall damage adjacent property by obstructing views, inhibiting solar access, or hindering ventilation.

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

(l) No accessory building shall be built upon any lot until construction of the principal building has begun.

(m) Appearance: The exterior appearance of all accessory structures shall be architecturally harmonious with the main residential structure and consistent with the design, scale, and appearance of the primary structure. Materials that are used to

## SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

construct the accessory structure shall be exterior grade wood or better of similar appearance and durability to that of the principal structure.

(n) Carports: A carport is a covered structure used to offer limited protection to vehicles, primarily cars, from the elements. The structure can either be free standing or attached to a wall. Carports that are not architecturally connected to the principal residence by similar appearance and materials are prohibited. This includes but is not limited to metal framed structures with metal roofs, post and beam structures with a low slope roof, or a low slope roof attached to another structure or between structures.

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

Commented [MP1]: Duplicate. See #7 on 7-4

(op) Garage Setbacks: Any garage that fronts on a public street must be set back at least 25 feet from such street, regardless of the setback requirement within the zoning district. This shall not be interpreted to waive a larger required minimum setback required by the zoning district.

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

### c. Setback Adjustments

#### 1. Setbacks on Built-Up Blockfaces

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

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

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

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

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

#### 2. Corner Lots

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

### d. Rear Yard Exceptions - Residential Uses

## SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

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

### e. Double Frontage Lots

Residentially zoned double frontage lots on a major street, and with no access to that street may have a 25-foot minimum front yard setback along said street. All other double frontage lots must provide full front yard setbacks from each adjacent street.

### f. Satellite Antennas

1. Each ~~lot-dwelling unit~~ shall have no more than one satellite antenna.
2. Antennas with a surface area over 6.3 square feet which are accessory to a primary use and are designed to receive and transmit electromagnetic signals, or to receive signals from satellites, shall not be located within any front yard of the primary use.
3. Antennas with a surface area of over 6.3 square feet are subject to the following additional regulations:
  - (a) Such antennas shall be located no less than ten feet from the property line of an adjacent property line.
  - (b) The maximum height shall be 15 feet and the maximum diameter shall be 11 feet.
  - (c) Each antenna shall be screened by a six-foot high wood or masonry fence, or by natural plants or trees of equal minimum height.

### g. Vision Clearance Zones

Except in the DC District, no structure, including a fence, shall be built to a height of more than ~~three-feet~~thirty inches (30") above the established curb grade on the part of the lot within ~~asthe~~ vision clearance zone. The vision clearance zone shall be a triangle measured from the point of intersection of the centerline of the streets to a point 90 feet in each direction from the intersection along such centerlines. At the intersection of major streets, the 90-foot distance shall be increased to 120 feet. No landscaping shall be planted in such area which will materially obstruct the view of drivers approaching the street intersection. See 11.707d for Sight Obstruction at Street Intersections.

## 11.705 Height Exceptions

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

### a. Vertical Projections

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

### b. Amateur Radio Towers and Federal Communication Commission Pronouncements

## SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

1. Radio towers, antennas and other appurtenances operated by licensed amateur radio operators, where permitted and when, may not exceed 75 feet in height. This height has been determined by the City to reasonably accommodate amateur service communications, and further represents the minimum practicable regulation to accomplish legitimate municipal land use regulation purpose, as recognized under published guidelines of the Federal Communications Commission.

2. Special instances may require that amateur radio tower heights exceed 75 feet to achieve effective and reliable communications. In such cases, the Board of Adjustment may grant a Conditional-Special Use Permit to a licensed amateur radio operator for a specific tower height that exceeds 75 feet. In determining whether to grant such permission, the City Council shall consider the federal guidelines contained in PRB-1 (Amateur Radio Preemption, 101 FCC 2d (1985); codified at C.F.R. Section 97.15(e).

3. Such radio towers shall not be located within any front yard of the primary use.

c. Civic Buildings

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

d. Communications Towers

Communications towers, when operated by a federally licensed commercial or non-profit organization, may be built to any height in accordance with existing and future ordinances. This exception does not apply to radio towers, antennas and other appurtenances operated by licensed amateur radio operators. Such towers are subject to the requirements of Section 11.610a.

e. Wind Energy Conservation Systems (WECS)

Wind Energy Conservation Systems are exempt from the height restrictions of the base district but is subject to the regulations of Section 11.610c.

f. Special Use Approvals

The Board of Adjustment may grant an exception from the height limit for a zoning district for a Special Use as part of its approval of that use. The limit or extent of this exception shall be a specific part of the special use permit.

g. Federal Aviation Administration Rules

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

### 11.706 Exceptions to Site Development Regulations for Creative Subdivisions

a. Purpose

In the instance that the Subdivision Chapter of the Land Development Ordinance provides for creative subdivisions, the city may authorize such subdivisions to allow for greater flexibility in the design and development of subdivisions, in order to produce innovative residential environments, to provide for more efficient use of land, to protect topographic and to encourage the preservation of

## SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

common area and open space. These special regulations and design exceptions apply only to creative subdivisions.

b. Site Area Per Unit

1. Unless otherwise provided, the site area per unit for a creative subdivision as a whole shall be that of the zoning district in which such subdivision is located. For the purpose of computing site area per unit, the area of public streets and private ways within the subdivision must be excluded. Residential use types may be combined within the creative subdivision provided that the subdivision as a whole complies with the required maximum density of the zoning district.

c. Perimeter Yards

1. Structures must maintain normal street yard setbacks from any public streets that form the perimeter of the development.

2. Structures must maintain a 20-foot minimum side yard setback from any property line that forms the boundary of the development.

d. Area and Yards for Individual Lots

1. Individual lots within a creative subdivision are exempt from minimum lot area or yard setback requirements set forth elsewhere in this Ordinance, unless provided for by the regulations for a specific zoning district. A creative subdivision must be planned and developed as a common development. A minimum separation of twenty (20) feet shall be established for all residential structures not attached to one another, unless the City Council grants a specific exception for developments proposing unique circumstances, only in as much as said development can be demonstrated to avoid detriment to Waverly's efforts to protect public health, safety, welfare, community character, property values and aesthetics.

2. Any private garage oriented to or facing a public street or private way internal to the creative subdivision must be set back a minimum of 25 feet from that public street or private way.

e. Coverage and Landscaping Requirements

Individual lots in a creative subdivision are exempt from maximum building and impervious coverage limitations and street yard landscaping requirements established for the zoning district. However, the subdivision as a whole, including streets, walks, and access ways, must comply with the building and impervious coverage regulations for its zoning district.

### 11.707 Fence Regulations

a. Location Restriction

~~1. Unless otherwise provided by this Ordinance or other sections of the Waverly Municipal Code, no fence shall be built on any lot or tract outside the surveyed lot lines or tract outside the surveyed lot lines.~~

2. No fence shall be built by a private party on public land without the specific prior approval of the City. Removal of any such fence shall be at the expense of its owner.

**Commented [MP2]:** This should be assumed that a homeowner can't build on properties that said homeowner does not have ownership of. Any property line disputes should be a civil matter between property owners. City is not responsible for identifying existing interior private property lines. City may identify property lines adjacent to public right of way.

**SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS**

b. Applicability

The regulations contained in Sections 11.707(b) through 11.707(j) apply to all fences with a height above grade of 30 inches and over.

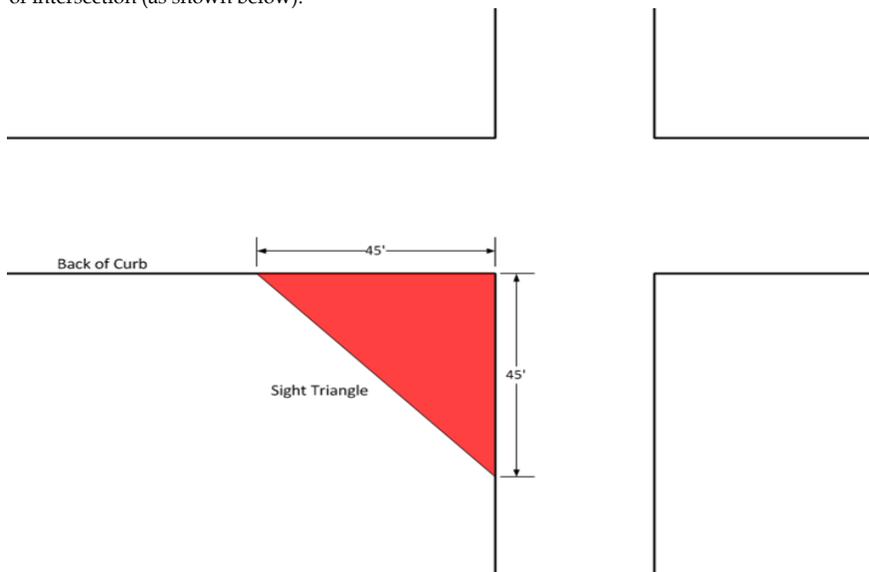
c. Required Openings

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

d. Sight Obstruction at Street Intersections (Amended by Ord. 15-11, 12-8-15)

No fence or hedge permitted or required by this article or other sections of the Waverly Municipal Code shall be built to a height of more than thirty inches (30") above the established curb grade on the part of the lot within the defined intersection sight triangle. No landscaping shall be planted in such area which will materially obstruct the view of drivers approaching the street intersection. The intersection sight distance triangles are established as:

1. For major controlled intersections (e.g. stop, yield, signals etc.) and intersections with collector streets and arterial streets, the intersection sight distance triangles shall be defined as per the AASHTO Policy on Geometric Design of Highways and Streets, latest edition. For all other minor and uncontrolled intersections (residential streets) the intersection sight distance triangles on each leg of an intersection shall be defined as a triangle formed by the adjacent curb lines of intersecting streets and the line joining points 45 feet on each side line from their point of intersection (as shown below).



## SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

2. At intersections of a sidewalk and alley or non-residential driveway or parking lot access, the intersection sight triangle is defined as a triangle whose legs extend 10 feet back from the sidewalk along the alley or driveway, and 20 feet parallel to and along the back of the sidewalk back from the intersecting alley or driveway.

3. At intersections of a sidewalk and residential driveway, the intersection sight triangle shall be defined as a triangle whose legs extend 15 feet back from the sidewalk along the driveway, and 20 feet parallel to and along the back of the sidewalk back from the intersecting driveway.

e. Facing

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

**Commented [MP3]:** This was deleted in my initial review. After PC discussion, decided to leave language in regulations.

f. Effect on Adjacent Properties and Drainage

1. No accessory building shall damage adjacent property by obstructing views, inhibiting solar access, or hindering ventilation.

2. Fences shall be erected and maintained so as to avoid limiting or obstructing the flow of water in natural drainage courses, or drainage ways created within easements.

g. Fence Construction on Utility Easements

Any fence erected on a tract of land subject to an easement for the construction, maintenance, operations, or replacement of any water, sanitary or storm sewer, gas line, electric power, telephone, or other utility poles, or other cables or lines shall be designed and constructed to be readily removable to permit the use of the easement. Such fences shall be subject to removal by request of the owner of the easement whenever necessary to permit access. The cost of removal or replacement shall be the responsibility of the owner of the fence.

h. Protective Fences around Swimming Pools, Spas, and Hot Tubs

~~A fence with a minimum height of five feet and compliant with the terms of this section shall be required around public or private swimming pools.~~ Any Swimming Pool (in-ground or Above Ground), Spa and or Hot tub that has a depth greater than 24", shall be required to have the following: A barrier comprised of a fence or wall, in compliance with this section, with a minimum height of 4'. The fence shall be constructed so as not to have any openings large enough to allow a 4" sphere to pass through. All gate and door openings shall be of self-closing and self-latching type. The side of the dwelling or accessory building may be used as part of such enclosure.

Exception: Spas or Hot Tubs equipped with a safety cover which complies with ASTM F 1346 shall be exempt from the provisions of a barrier requirement

**Commented [MP4]:** 4' barrier is the required standard per the International Code Council. 4' barrier is what has been enforced. Hot tubs typically have a locking cover that would make them exempt from the barrier requirement.

i. Residential Fences

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

## SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

1. Height: The maximum height of a fence within a required front yard or street side yard setback shall be 42 inches. The maximum height for any fence outside of a required front yard shall be six feet.
2. Exception for Street Side Yards: On corner lots, a fence built parallel to the street side yard line but set back in conformance with the required street yard setback may have a maximum height of six feet.
3. Exception to Openness Requirement: Fences built on residential property outside of required front or street side yards may exceed ~~of~~ 50 percent of closed construction.
4. Exception for Front Yards of Double Frontage Lots: A fence built within the required front yard of a double frontage lot may be a maximum of six feet in height and may exceed 50 percent closed construction if such lot fronts an arterial street or expressway, as defined in the Comprehensive Development Plan of the City of Waverly; and if such frontage does not provide primary access to the property.

5. Exception for Separate Districts: A fence separating a residential lot from a commercial or industrial lot may be a height of 8'.

5.6. Materials: Fences shall be constructed of wood, chain-link, PVC/ resin, stone or masonry materials, or ornamental metals only. Wood fences shall utilize standard building lumber only. Barbed wire and/or electrified fences are not permitted, and are defined as any fence that includes in its material barbs, blades, razors, electric current or other features specifically designed to injure or abrade an individual or animal who attempts to negotiate the fence. Wire mesh fences may be permitted to enclose tennis courts and game and recreation areas on public land and residential lots. Other materials may be used if approved by the Building Inspector.

**Commented [MP5]:** Should this be deleted? What is the definition of "standard building lumber"?

j. Civic, Office, Commercial, and Industrial Fences

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

1. The maximum height of a fence for any permitted use in any non-residential zoning district shall be eight feet.
2. Civic Uses in Residential Districts: The maximum height of fences installed as part of Primary and Secondary Educational Facilities, Day Care, and Park and Recreation Use Types, or any other use that provides secured outdoor space for the use of children within Residential Zoning Districts shall be eight feet.
3. The Board of Adjustment may approve greater fence heights on a case-by-case basis if it concludes that such permission furthers the health, safety, and welfare of the residents of the City of Waverly.
4. Barbed wire shall not be used in the construction of any fence outside of the GI General Industrial Zoning District. Barbed wire may be used in the construction of fencing in an industrial district provided that the bottom strand of the wire shall be at least six feet above ground level. Electrified fences are not permitted within the jurisdiction of the City of Waverly.

### 11.708 Outdoor Lighting (Established by Ord. 10-04, 3/1/2010)

a. Purpose:

## SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

This section is intended to restrict or control the use of outdoor lighting devices and techniques which contribute to overall environmental glare, light trespass, public safety, and light pollution; affect the quality of the outdoor nighttime environment; and have a detrimental effect on astronomical observations.

b Alternative material:

This section is not intended to prevent the use of materials or techniques not specifically mentioned in this section, provided that such alternative is approved by the Zoning Administrator or the Public Works Director along public rights-of-way.

c Lighting terms.

1. **Outdoor light fixtures** shall mean outdoor artificial illuminating devices, outdoor fixtures, lamps and other devices, permanent or portable, used for illumination or advertisement. Such devices shall include but not be limited to search-, spot-, or floodlights for buildings and structures, recreational areas, parking lots, landscape lighting, signs, street lighting, and display and service areas.

2. **Full Cutoff** shall mean a light fixture that cuts off all upward transmission of light.

3. **Fully shielded** shall mean fixtures that are shielded or designed in such a manner that light emitted by the fixture, either directly by the lamp or indirectly by the fixture, is projected below a horizontal plane running through the lowest point on the fixture where light is emitted which prevents a line of sight to the bulb when viewed from another property.

4. **Filtering** shall mean that light emitted by the lamp passes through a glass, acrylic, or translucent enclosure. Quartz glass does not meet the requirement of filtering.

5. **Lumens** shall mean measure of brightness of the illumination exiting a bulb.

6. **Spotlight** shall mean a luminaire or bulb which projects light in a specific direction in a narrow beam, typically 45 degrees or less.

7. **Flood light** shall mean a luminaire or bulb which projects light in a specific direction in a wide beam, typically 100 degrees or more.

8. **Glare** shall mean discomfort experienced by an observer with a direct line of sight to a light source which often results in annoyance, discomfort or loss of visual performance causing visual impairment.

9. **Horizontal (or vertical) foot-candles** shall mean the amount of light striking a vertical or horizontal plane.

10. **Light source** shall mean the bulb and lens, diffuser, or reflective enclosure.

11. **Light trespass** shall mean light projected onto a property from a fixture not located on that property. No line of sight to a glaring light source is permitted from 5 feet or more inside a residential or public right-of-way property line by an observer viewing from a position that is level with or higher than the ground below the fixture. Compliance is achieved with fixture

#### **SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS**

shielding, directional control designed into the fixture, fixture location, fixture height, fixture aim, or a combination of these factors.

d. Requirements for shielding and filtering.

Requirements for shielding and filtering of light sources are set forth in Table 7-1 listed below:

**SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS**

<b>Table 7-1 Shielding and Filtering Requirements for Light Sources</b>		
<b>Fixture Lamp Type</b>	<b>Shielded</b>	<b>Filtered</b>
Low-pressure sodium	Fully	None
High-pressure sodium	Fully	None
Metal halide (Note 1)	Fully	Yes (Note 3)
Fluorescent	Fully (Note 4)	Yes (Note 5)
Quartz (Note 2)	Fully	None
Incandescent greater than 100W	Fully	None
Incandescent 100W or less	None	None
Mercury vapor	Prohibited	Prohibited
Fossil fuel	None	None
Glass tubes filled with inert gases	None	None
Other sources	By approval of the Zoning Administrator and Public Works Director	By approval of the Zoning Administrator and Public Works Director
NOTES:		
Note 1: Should be in enclosed luminaries.		
Note 2: Not considered an incandescent light source.		
Note 3: Most glass, acrylic, or translucent enclosures meet filtering requirements.		
Note 4: Outdoor signs constructed of translucent materials with internal lighting do not require shielding.		
Note 5: Warm, white, natural lamps are recommended.		

## SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

e. Exemptions:

The following installations are exempt from the provisions of this section:

1. Nonconforming fixtures:

- a.) Luminaries existing immediately prior to the effective date of this Section which are located on single family residential property adjacent to single family residential property and commercially zoned property adjacent to single family residential property or public ways which are in violation of this section may be declared a public nuisance after a complaint filed by an adjacent residential property owner of the City if they meet one of the following criteria:

- 1.) Exceed one (1) horizontal foot-candle at the property line, exclusive of street lights and other exterior lighting sources at the residential property line; or
- 2.) Directs a beam of light to a point beyond the property line; or
- 3.) Creates unreasonable glare because the fixture is not a cut-off or shielded style of luminaire.

- b.) If it is determined that such non-conforming luminaries are unlawful or a nuisance, then such luminaries shall be altered by either replacement with conforming luminaries, shielding, landscaping, berms or directional modifications or controls within sixty (60) days of receiving a written notice of violation from the City. The 60 day cure period shall commence upon receipt of official notice by the property owner of violation of this Section.

2. Fossil-fuel lighting, such as fixtures using natural gas combustion as a light source.
3. Ornamental or thematic lighting in any Zoning District if specifically approved by the Planning Commission. The maximum height of any such ornamental light shall be 16 feet.
4. Construction or emergency lighting provided that such lighting is removed on completion of the construction project or emergency.
5. Temporary event lighting, such as searchlights, subject to issuance of a temporary permit by the Chief Building Official for a specific duration of time.
6. Exemptions granted by the Zoning Administrator and Public Works Director for special conditions, upon issuing a written finding that conditions exist that make conforming fixtures inadequate to the specific task.

f. Interpretation:

When enforcing the provisions of this Section, the City shall enforce such provisions in a non-arbitrary and non-discriminatory manner and such enforcement shall be interpreted by the City such that ordinary people can understand which acts are prohibited and which acts are allowed by this Section.

g. Inclusion on Permit Applications:

### **SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS**

For all building projects other than single family residential, lighting plans shall be submitted as part of building, or sign permits and shall be reviewed as part of the normal review process for such permits.

#### **11.709 Appeals**

Denial, revocations, or cancellations of a building permit based on the provisions of this Section may be appealed to the Board of Adjustment, as set forth in Sections 11.1208 through 11.1210.

**ORDINANCE NUMBER 25-20**

AN ORDINANCE OF THE CITY OF WAVERLY, NEBRASKA TO AMEND THE WAVERLY ZONING REGULATIONS, ARTICLE 9 OFF-STREET PARKING

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

Section 1. Whereas, that Section 11.909 Parking for Personal and Recreational Vehicles, b. Location of Parking, 1. (c), contained within Article 9 of the Waverly Zoning Regulations is hereby amended to read as follows:

(c) The parking of motor vehicles and/or towed trailers, Recreational Vehicles (RV's), boats, or other recreational equipment shall not be permitted in the front, rear, or side yards of a platted lot unless they are parked on a paved surface.

Section 2. Whereas, that Section 11.909 Parking for Personal and Recreational Vehicles, c. Special Provisions for Recreational Vehicles and Boats, contained within Article 9 of the Waverly Zoning Regulations is hereby amended to read as follows:

c. Special Provisions for Recreational Vehicles and Boats

Parking and storage of recreational vehicles and boats within residential districts is subject to the following additional conditions. These conditions are in addition to those requirements for the parking of Personal Vehicles.

1. Recreational vehicles and boats must be maintained in a clean, well-kept state.
2. Recreational vehicles and boats equipped with liquefied petroleum gas containers must ensure that such containers must meet the current standards of the Interstate Commerce Commission, the United States Department of Transportation, or the American Society of Mechanical Engineers. Any valves must be closed at all times that the vehicle is not in preparation for immediate use. Leaks in containers must be repaired immediately.
3. Recreational vehicles may be used as temporary parking by non-paying guests for a maximum of three consecutive days or fourteen days total during any calendar year. Cooking in the recreational vehicle is prohibited at all times.
4. Recreational vehicles and boats may not be connected to utility lines for any period that exceeds 30 consecutive days.
5. Recreational vehicles and boats may not be used for the storage of goods, materials, or equipment other than those items which pertain to the use of the vehicle.
6. If feasible on a lot, recreational vehicles and boats shall be parked outside of the required front yard and street side yard setbacks.
7. Recreational Vehicles and boats may be parked not less than two feet from the front property line, and not less than two feet from the side and/or rear lot lines of the property.

Commented [MP1]: Removed the word "concrete" before the word "paved"

8. No part of any parked recreational vehicle or boat may extend over a public sidewalk or public right-of-way.

Section 3. That any ordinance in conflict with this ordinance is hereby repealed.

Section 4. This ordinance shall be in full force and take effect from and after its passage, approval, and publication according to the law.

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2025.

\_\_\_\_\_  
Abbey L. Pascoe  
Mayor

Attest:

\_\_\_\_\_  
Megan K. Frye  
City Clerk/Human Resources Assistant

(SEAL)

## OFF-STREET PARKING

# 9

## ARTICLE NINE

### OFF-STREET PARKING

#### 11.901 Purpose

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

#### 11.902 General Applications

##### a. Applicability

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

##### b. Exemptions

1. Any use within the DC Downtown Commercial District other than Downtown Residential is exempt from the off-street parking requirements provided by Section 9-3. Any off-street parking facility constructed in the DC District after the effective date of this Ordinance must comply with the design standards set forth in this Article.

#### 11.903 Schedule of Off-Street Parking Requirements

Parking facilities for each use shall be provided in accord with the minimum requirements set forth in Table 9-1.

##### a. Computation

1. When a computation of required parking results in a fraction of 0.5 or greater, the requirement shall be rounded up to the next whole number.
2. Unless otherwise indicated, parking requirements are based on gross floor area. Gross floor areas for the purpose of this calculation exclude any interior space used for the parking or loading of vehicles.
3. When parking requirements are computed on the basis of capacity, capacity shall be determined by the building code or other official determinations of occupancy in effect for the City of Waverly at the time the use is established.

**OFF-STREET PARKING**

**TABLE 9-1: Minimum Off-Street Parking Requirements**

<b>Agricultural Use Types</b>	
Horticulture	1 space per 1,000 square feet of sales area.
Crop/ Animal Production	No requirement.
<b>Residential Use Types</b>	
Single-Family Residential	2 spaces per dwelling unit.
Duplex Residential	2 spaces per dwelling unit.
Two-Family Residential	2 spaces per dwelling unit.
Multi-Family Residential	1.5 spaces per efficiency or 1-BR unit; 2 spaces per 2-BR unit; 2.5 spaces for 3 or more BR unit; 1 space per 2 units for elderly housing.
Downtown Residential	1 space per dwelling unit
Group Residential	1 space for each resident.
Mobile Home Residential	2 spaces per dwelling unit.
Retirement Residence	1 space per independent living unit; 0.5 spaces per assisted living unit;
<b>Civic Use Types</b>	
Administration	1 space for 300 square feet of gross floor area.
Cemetery	No requirement.
Clubs	1 space per 4 person capacity.
College/University	1 space per three students.
Convalescent Services	1 space for 4 beds.
Cultural Services	1 space per 500 square feet of gross floor area.
Day Care Services	1 space per 5 person capacity + 1 space per employee of largest shift.
Group Care Facility	1 space per 4 person capacity + 1 space per employee of largest shift.
Group Home	1 space per 4 person capacity + 1 space per employee of largest shift.
Guidance Services	1 space per 300 square feet.
Health Care	1 space per 300 square feet + 1 space per employee of largest shift.
Hospitals	1 space per 2 beds.
Maintenance Facilities	See Schedule A.
Parks and Recreation	No requirement.
Postal Facilities	See Schedule A.
Primary Education	1 space per employee of largest shift + 10 stalls for visitors.
Public Assembly	1 space per 4 person capacity.
Religious Assembly	1 space per 4 person capacity in largest assembly area.
Safety Services	1 space per employee of maximum shift + 1 stall per 1,000 sq. ft.
Secondary Education	1 space per employee of max shift + 1 space for each 3 11th and 12th grade students.
Utilities	1 space per employee of maximum shift

## OFF-STREET PARKING

**TABLE 9-1: Minimum Off-Street Parking Requirements**

<b>Commercial Use Types</b>	
Agricultural Sales/Service	See Schedule A.
Auto Rental and Sales	See Schedule A.
Auto Service *	3 times service capacity.
Body Repair *	3 spaces per repair stall.
Business Support Services	1 space per 500 square feet.
Campground	1 space per camping unit.
Cocktail Lounge	1 space per 200 square feet.
Commercial Recreation	1 space per 4 person capacity.
Communication Services	1 space per 500 square feet.
Construction Sales	See Schedule A.
Consumer Services	1 space per 200 square feet.
Convenience Storage	1 space per 20 storage units. **
Equipment Sales/Service	See Schedule A.
Food Sales (All Types)	1 space per 200 square feet.
General Retail Services	1 space per 200 square feet.
Liquor Sales	1 space per 200 square feet.
Lodging	1 space per unit.
Personal Improvement	1 space per 200 square feet.
Personal Services	1 space per 300 square feet.
Pet Services	1 space per 500 square feet.
Restaurants (Drive-in)	1 space per 50 square feet of customer service area.
Restaurants (General)	1 space per 2.5 person capacity in dining area.
Stables/Kennels	1 space per employee + 1 stall per 5,000 sq. ft. of site area.
Surplus Sales	See Schedule A.
Trade Services	1 space per 500 square feet.
Veterinary Services	1 space per 500 square feet.

\* Auto Service and Body Repair subject to other restrictions applicable under this ordinance:  
 See Section 4: Use Types - "Vehicle Storage," p. 4-10; also,  
 Section 6: Supplemental Use Regulations, "Outdoor Storage," p. 6-17.

\*\* This standard may be reduced by up to 20% at the discretion of the Building Official, if site plan review demonstrates that circulation and loading patterns accommodate adequate space for queuing and temporary parking by users during the peak hours of operation.

**OFF-STREET PARKING**

**TABLE 9-1: Minimum Off-Street Parking Requirements**

<b>Office Use Types</b>	
Corporate Offices	1 space per 300 square feet.
General Offices	1 space per 300 square feet.
Financial Services	1 space per 300 square feet.
Medical Offices	3 spaces per staff doctor or dentist.
<b>Miscellaneous Use Types</b>	
Broadcasting Tower	See Schedule A.
Non-Putrescible Landfill	See Schedule A.
All Landfills	See Schedule A.
<b>Industrial Use Types</b>	
Agricultural Industries	See Schedule A.
Light Industry	See Schedule A.
General Industry	See Schedule A.
Heavy Industry	See Schedule A.
Railroad Facilities	See Schedule A.
Resource Extraction	1 space per employee on largest shift.
Salvage Services	See Schedule A.
Warehousing	See Schedule A.
Construction Yards	See Schedule A.

<b>Schedule A</b>	
This schedule sets forth minimum off-street parking requirements for uses with elements that have different functions and operating characteristics	
<b>Function of Element</b>	<b>Requirement</b>
Office or Administration	1 space per 300 square feet.
Indoor Sales, Display or Service Area	1 space per 500 square feet.
Outdoor Sales, Display or Service Area	1 space per 2,000 square feet.
Equipment Servicing or Manufacturing	1 space per 1,000 square feet.
Indoor or Outdoor Storage or Warehousing	1 space per 5,000 square feet.

**11.904 Parking Facility Location**

a. Residential Parking

1. Off-street parking for residential uses shall be located on the same lot or site as the use.
2. Off-street parking areas for any -multi-family residential uses shall be at least six feet from any main building. No more than 20% of the required parking may be within a required front yard or street side yard.

b. Non-residential Parking

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

**OFF-STREET PARKING**

**11.905 Parking for People with Disabilities**

Each off-street parking facility shall provide the number of parking spaces set forth in Table 9-2 designed and designated for use by people with disabilities. Parking spaces shall be ~~van-accessible~~ **van accessible**. Design criteria and dimensions are set forth in the Off-Street Parking Design Standards and the requirements of the Americans with Disabilities Act. Parking facilities for single-family, duplex, two-family, and mobile home residential uses are exempt from this requirement.

**TABLE 9-2: Accessible Parking Requirements**

Number of Stalls	<del>Number of Required of</del> <b>Required Accessible</b> Spaces	Number of Stalls	<del>Number of Required of</del> <b>Required Accessible</b> Spaces
1-25	1	201-300	7
26-50	2	301-400	8
51-75	3	401-500	9
76-100	4	501-1,000	2% of total
101-150	5	1,001 and over	20, plus 1 for each 100 stalls over 1,000
151-200	6		

**11.906 Off-Street Parking Design Standards**

a. Dimensions

1. Standard parking stalls shall be 9 feet wide and 18 feet long.
2. Parking facilities may provide up to 40% of their total stalls as designated compact stalls. Compact parking stalls shall be a minimum of 8.5 feet wide and 16 feet long.
3. Where parking stalls are located adjacent to landscaped areas, the paved depth of such stalls may be decreased by two feet to provide for a vehicle overhang area. The vehicle overhang area may not encroach into a required landscaped area or public sidewalk.
4. Spaces designated for the handicapped shall have a minimum width of 12 feet. Each handicapped space shall provide a barrier free route to an accessible building entrance, which shall not require users to walk or wheel behind parked cars. Such spaces shall be designated with an upright sign exhibiting the universal symbol for accessibility by the handicapped. All such spaces shall be designed in compliance with the standards of the Americans with Disabilities Act.

b. Pavement and Drainage

1. Off-street parking facilities shall be surfaced with concrete, asphalt, or brick and shall be maintained with materials sufficient to prevent mud, dust, or loose material.
2. Off-street parking facilities shall be designed and built to prevent the free flow of water onto adjacent properties or public rights-of-way.

## OFF-STREET PARKING

### c. Landscape and Screening Requirements

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

1. Each unenclosed parking facility shall provide a minimum landscaped buffer of ten feet along any street property line.
2. Each parking facility that abuts a residential district shall provide a ~~ten-foot~~~~ten-foot~~ landscaped buffer along its common property line with the residential district.
3. Any parking facility which abuts property in a residential district shall provide a fence, wall, landscape screen, or earth berm not less than four feet in height for the length of the common boundary. A grade change, terrace, or other site feature which blocks the sight line of headlights into a residential property may satisfy this requirement, subject to the determination of the Building Official.
4. Each unenclosed parking facility of over 4,500 square feet within a street yard shall provide interior landscaped area equal to no less than 5 percent of the total paved area of the parking facility. Parking facilities within the LI District shall be exempt from this requirement.
5. Interior landscaping shall be credited toward the satisfaction of overall landscaping requirements set forth in Article Eight.
6. Landscaping or screening installed in any required landscaped area shall not obstruct the view from the off-street parking facility to any driveway approach, street, alley, or sidewalk. Landscaping shall further not obstruct any views among parking spaces and circulation ways, or visibility between vehicles and pedestrians.

### d. Entrances and Exits

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

### e. Safety Features

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

### f. Maintenance

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

## OFF-STREET PARKING

g. Adjustment

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

### 11.907 Bicycle Parking

a. Parking Requirements

1. Each parking facility providing 50 spaces or more shall provide parking accommodations for bicycles as provided by the Table 9-3:

**TABLE 9-3: Bicycle Parking Requirements**

Number of Parking Stalls	Required Bicycle Spaces
50-100	5
100-150	8
150-200	10
Over 200	2 additional spaces for each 50 parking stalls

2. Bicycle parking facilities shall include bicycle racks secured to prevent easy removal, bicycle lockers, or bicycle posts or bollards expressly designed for the secure storage.
3. The location of bicycle parking facilities shall be at least as convenient to the main entrance of the primary use as the most convenient automobile parking not reserved for use by disabled people.
4. Bicycle parking should be located to prevent hazards or obstructions to the normal flow of pedestrians into a use.

### 11.908 Off-Street Loading

a. Loading Requirement

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

b. Schedule of Loading Spaces

Loading spaces for each use requiring them shall be provided in accord with the minimum requirements set forth in Table 9-4.

## OFF-STREET PARKING

**TABLE 9-4: Off-Street Loading Requirements**

Gross Floor Area of Use (square feet)	Number of Required Loading Spaces
1,000 - 10,000	1 (10x25)
10,000-30,000	1 (10x25)
30,000-50,000	2 (10x70)
Larger than 50,000	3 (10x70)

c. Design Standards

1. Each loading space shall have the minimum sizes defined by Table 9-4.
2. Paving of loading spaces and access areas shall be permanent, durable, and free of dust.
3. Off-street loading areas are subject to the landscaping and buffering requirements for parking facilities set forth in this Article.

**11.909 Parking for Personal and Recreational Vehicles**

a. Applicability

This section permits the parking of personal vehicles on a single lot in a residential district subject to specific conditions. Personal vehicles include: passenger cars; vans; pick-up trucks; camper shells, toppers, and other similar appurtenances intended for attachment to a personal vehicle; trailers under 25 feet in length, and boats under 25 feet in length. The maximum height of any Personal Vehicle shall be eight feet from grade. Trucks, tractor cab units, trailers, recreational vehicles and boats over 25 feet in length, and vehicles over ten tons gross empty weight shall be defined as heavy commercial vehicles.

b. Location of Parking

1. Parking is permitted within any enclosed structure when such structure conforms to the regulations of its zoning district.
2. Parking of personal vehicles is permitted on a paved driveway (outside of an enclosed structure) within the front yard setback, but shall in no case encroach upon the public right-of-way.
3. Parking of personal vehicles may occur in the rear yard setback (outside of an enclosed structure and not on the front yard paved driveway) if the Zoning Administrator determines that such parking conforms to the provisions of the Zoning Ordinance, meets the following conditions:
  - (a) The parking space is provided on a paved surface connected by a paved surface to a dedicated public right-of-way and/or alley.
  - (b) The paved parking does not exceed the maximum impervious coverage limit for the lot.
  - (c) The parking of motor vehicles and/or towed trailers, Recreational Vehicles (RV's), boats, or other recreational equipment shall not be permitted in the front, rear, or side yards of a platted lot unless they are parked on a ~~concrete~~-paved surface. (Amended by Ord 13-11; 9-17-13)

## OFF-STREET PARKING

4. Heavy commercial vehicles, including tractor cab units rated ~~at more~~ at more than 10 tons gross vehicle weight, and recreational vehicles shall not be parked on any lot within the RR, R-1, R-2, R-3, R-4, or R-5 residential zoning districts, except as provided below.

c. Special Provisions for Recreational Vehicles and Boats

Parking and storage of recreational vehicles and boats within residential districts is subject to the following additional conditions. These conditions are in addition to those requirements for the parking of Personal Vehicles.

1. Recreational vehicles and boats must be maintained in a clean, well-kept state.
2. Recreational vehicles and boats equipped with liquefied petroleum gas containers must ensure that such containers must meet the current standards of the Interstate Commerce Commission, the United States Department of Transportation, or the American Society of Mechanical Engineers. Any valves must be closed at all times that the vehicle is not in preparation for immediate use. Leaks in containers must be repaired immediately.
3. Recreational vehicles may be used as temporary parking by non-paying guests for a maximum of three consecutive days or fourteen days total during any calendar year. Cooking in the recreational vehicle is prohibited at all times.
4. Recreational vehicles and boats may not be connected to utility lines for any period that exceeds 30 consecutive days.
5. Recreational vehicles and boats may not be used for the storage of goods, materials, or equipment other than those items which pertain to the use of the vehicle.
6. If feasible on a lot, recreational vehicles and boats shall be parked outside of ~~required~~ the required front yard and street side yard setbacks.
7. Recreational Vehicles and boats may be parked not less than two feet from the front property line, and not less than two feet from the side and/or rear lot lines of the property.
8. No part of any parked recreational vehicle or boat may extend over a public sidewalk or public right-of-way.

**11.910 Supplementary Regulations: ~~Storage: Storage~~ and Parking of Unlicensed or Other Vehicles** (*Amended by Ord. 07-03; 4-2-07*)

a. The storage or keeping of motor vehicles not having a properly issued current motor vehicle registration and current motor vehicle license plate properly displayed is prohibited on any lot, parcel or tract of land or part thereof, situated within the zoning jurisdiction of the City of Waverly; provided that conformance with the following shall not constitute a violation of this section:

1. The storage of any unlicensed and/or unregistered motor vehicle in a fully enclosed garage.
2. The storage of operable off-highway farm or industrial vehicles on tracts zoned AG Agriculture or GI industrial uses, and used in agricultural or industrial activity conducted on the premises.

### **OFF-STREET PARKING**

3. The storage, keeping or abandonment of parts, including scrap metals, from motor vehicles or machinery, or parts thereof, is prohibited on any lot, parcel or tract of land or part thereof, situated within the zoning jurisdiction of the City of Waverly, except in enclosed buildings or garages or where otherwise permitted by this ordinance.

## OFF-STREET PARKING

4. Parking, storage or keeping, other than in a fully enclosed garage of any non-operable motor vehicle is prohibited on any residential zoned lot, parcel or tract of land or part thereof, situated within the zoning jurisdiction of the City of Waverly; provided, however, that automobiles that are non-operable by reasons of repair work being done thereon may be parked on the residential lot of the owner of said automobile within the Waverly Zoning jurisdiction under the following conditions:
  - (a) The automobile is owned by the occupier of the premises and registered to him/her at that address.
  - (b) The period of said repair work does not exceed ten days in duration.
  - (c) Repair work is at all times conducted on a paved driveway.
  - (d) No more than one automobile in need of repair is situated on the premises at the same time.
- b. Before the City removes a vehicle suspected of being in violation of this section, by reason of it being inoperable, the City shall give the owner of the premises upon which the offending vehicle is situated a 48-hour warning notice. Notice shall be given by tagging the motor vehicle and by regular mail, postage pre-paid to the occupier of the premises on which the motor vehicle is situated. Any motor vehicle not removed from the premises within such 48-hour period shall be presumed to be inoperable and may thereafter be removed by the City. If he/she chooses, the owner may demonstrate operability of the vehicle by making special arrangements with the law enforcement agency serving the City of Waverly to demonstrate operability of the vehicle within said 48-hour period. If operability of the vehicle is satisfactorily demonstrated, the automobile need not be removed.
- c. Before the City issues a citation to the vehicle owner for having unlicensed vehicle(s) longer than thirty (30) days, the City shall give the owner of the vehicle(s) a ~~21-day~~21-day warning notice. Notice shall be given by certified mail, postage pre-paid to the owner of the vehicle(s). Any motor vehicle not licensed within such ~~21-day~~21-day period shall be issued a citation.

## ORDINANCE NUMBER 25-21

AN ORDINANCE OF THE CITY OF WAVERLY, NEBRASKA TO AMEND THE WAVERLY ZONING REGULATIONS, ARTICLE 10 SIGN REGULATIONS

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

Section 1. Whereas, that Section 11.1002 Definition of Terms, contained within Article 10 of the Waverly Zoning Regulations is hereby amended to read as follows:

### **11.1002 Definition of Terms** (*Amended by Ord. 07-13; 11-5-07*)

The following definitions shall be used for terms contained in this chapter that are not otherwise defined in the Waverly Municipal Code or in this Zoning Ordinance.

1. **Abandoned Sign:** A sign, including sign face and supporting structure, which refers to a discontinued business, profession, commodity, service, or other activity or use formerly occupying the site; or which contains no sign copy on all sign faces for a continuous period of six months.
2. **Attached Sign:** A sign which is structurally connected to a building or depends upon that building for support
3. **Auxiliary Design Elements:** Terms which describe secondary characteristics of a sign, including its method of illumination and other features within the bounds of its basic shape.
4. **Awning and Awning Sign:** A temporary or movable shelter supported entirely from the exterior wall of a building and composed of non-rigid materials, except for a supporting framework. An awning sign is a message printed on such a shelter.
5. **Banner:** Material with a printed message or graphic secured or mounted from a structure in such a way as to allow wind movement.
6. **Billboard:** An outdoor advertising sign that displays products or services that are not typically available at the location of the sign site.
7. **Building Marker:** An historic or commemorative plaque, or a building name or cornerstone carved into a masonry surface.
8. **Business Center Identification Sign:** A sign which identifies a building or group of commercial buildings in single ownership or control, sharing parking and access.
9. **Canopy:** A projecting non-movable structure cantilevered or suspended from a building, supported by the main structural members to which it is attached, and used only as a roof or fixed shelter.
10. **Canopy Sign:** A sign which is attached or made an integral part of a canopy.
11. **Clearance:** The distance from the bottom of a sign face elevated above grade and the grade below.
12. **Detached Sign:** A sign which is self-supporting and structurally independent from any building.

13. Directional Sign: A sign which serves only to designate the location or direction of any area or place.
14. Double-Faced Sign: A sign consisting of no more than two parallel faces supported by a single structure.
15. Electronic Information Sign: Any sign intended primarily to provide information of general community interest, including time, temperature, and other atmospheric conditions, date, news, traffic control, or commercial messages.
16. Frontage: The length of a property line of any one premises abutting and parallel to a public street, private way, or court.
17. Ground Sign: A detached sign built on a freestanding frame, mast, or pole(s) with a clearance no greater than 3 feet.
18. Illumination: Lighting sources installed for the primary purpose of lighting a specific sign or group of signs. Illumination techniques referred to by these Regulations include:
  - (a) Bare Bulb: Illumination of signs using unshielded bulbs.
  - (b) Direct Illumination: Illumination of signs through flood lights whose luminous surface is visible to the normally located observer.
  - (c) Flame: Use of open flame or torches as a light source.
  - (d) Flashing: Use of an intermittent light source, including the illusion of intermittence through animation or other external light sources. Electronic information signs are excluded from this definition, except for any flashing mode of these signs.
  - (e) Indirect: Use of a light source whose luminous surface is not visible to the normally located observer.
  - (f) Internal: Use of a light source concealed or contained within the sign, and visible by shining through a translucent surface.
  - (g) Neon or gas tube: Use of a light source supplied by passing electricity through a tube containing neon or other gas, bent to form letters, symbols, and other shapes.
19. Marquee: A permanent roofed structure attached to and supported by a building and extending over public right-of-way.
20. Maximum Permitted Sign Area: The maximum permitted combined area of all signs allowed on a specific property.
21. Monument Sign: An on-premise freestanding sign with the appearance of a solid base. The width of such base shall be at least 75 percent of the width of the sign.
22. Moving Sign: A sign which conveys its message through rotating, changing, or animated elements.
23. Nonconforming Sign: A sign that was legally erected prior to the adoption of this chapter but which violates the regulations of this chapter.

24. Off-Premise Sign: A sign which directs attention to a business, profession, commodity, or service offered on a property other than that on which the sign is located.
25. Pole Sign: A sign built on a freestanding frame, mast, or pole(s) with a clearance greater than 3 feet, and where the support encompasses less than 75% of the width of the sign.
26. Portable Sign: Any sign supported by frames or posts rigidly attached to bases not permanently attached to the ground or a building and capable of being moved from place to place.
27. Premise Identification Sign: An sign which pertains to the use of a premises and which contains information about the owner or operator of that use; the type of business being conducted or the principal brand name of a commodity sold on the premises; and other information relative to the conduct of the use.
28. Premises: A tract of one or more lots or sites which are contiguous and under common ownership or control.
29. Projecting Signs: A sign other than a wall sign that is attached to and projects from a building face.
30. Residential Sign: A small detached or attached sign located on a residential premise, conveying a message communicated by the owner of the property.
31. Roof Sign: Any sign or part of sign erected upon, against, or directly above a roof or on top of or above the parapet or cornice of a building.
  - (a) Integral Roof Sign: A roof sign positioned between an eave line and the peak or highest point on a roof, substantially parallel to the face of a building.
  - (b) Above-peak Roof Sign: A roof sign positioned above the peak of a roof or above a parapet or cornice.
32. Sign: A symbolic, visual device fixed upon a building, vehicle, structure, or parcel of land which is intended to convey information about a product, business, activity, place, person, institution, candidate, or political idea.
33. Sign Type: A functional description of the use of an individual sign. Includes owner identification, advertising, directional, electronic message, and temporary.
34. Street Facade: Any separate external face of a building, including parapet walls and omitted wall lines, oriented to and facing a public street, private way, or court. Separate faces oriented in the same direction or within 45 degrees of one another are considered part of the same street facade.
35. Temporary Signs: A sign, flag, banner, pennant, or valance constructed of light weight materials which is not permanently attached to building or land, and which is intended for display for a limited period of time.
36. Wall Sign: A sign attached to and parallel with the side of a building.
37. Window Sign: A sign painted on or installed inside a window for the purpose of viewing from outside the premises.



Incidental	P (C)	P (C)	P (C)	P	P	P	P	P	P	P	P	P	P	P
Marquee	N	N	N	N	N	P	P	P	P	P	P	N	P	P
Projecting	P	N	N	N	N	N	P	N	P	P	P	N	N	N
Roof, Integral	N	N	N	N	N	N	N	N	P	P	P	P	P	P
Roof, Above Peak	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Wall	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Window	N	N	N	N	N	N	P	P	P	P	P	P	P	P
Miscellaneous														
Flag	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Portable (On-Premise)	N	N	N	N	N	N	N	N	N	N	N	N	N	N

P: Permitted for All Uses      S: Special-Use Permit Required  
P(C): Permitted for Civic Uses      N: Not Permitted

Section 4. Whereas, that Table 10-3: Maximum Permitted Sign Area for Zone Lot By Zoning District, Note 6, contained within Article 10 of the Waverly Zoning Regulations is hereby amended to read as follows:

**Note 6:**

One Billboard for civic or commercial use, with a maximum area of 672 square feet (14' Height x 48' Width), is located in the Interstate Corridor Overlay District, and is within 300 feet to the Interstate, may be permitted by Special-Use Permit.

Section 3. That any ordinance in conflict with this ordinance is hereby repealed.

Section 4. This ordinance shall be in full force and take effect from and after its passage, approval, and publication according to the law.

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2025.

\_\_\_\_\_  
Abbey L. Pascoe  
Mayor

Attest:

\_\_\_\_\_  
Megan K. Frye  
City Clerk/Human Resources Assistant

(SEAL)

## SIGN REGULATIONS

# 10

### ARTICLE TEN

#### SIGN REGULATIONS

##### 11.1001 Purpose

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

##### 11.1002 Definition of Terms *(Amended by Ord. 07-13; 11-5-07)*

The following definitions shall be used for terms contained in this chapter that are not otherwise defined in the Waverly Municipal Code or in this Zoning Ordinance.

1. Abandoned Sign: A sign, including sign face and supporting structure, which refers to a discontinued business, profession, commodity, service, or other activity or use formerly occupying the site; or which contains no sign copy on all sign faces for a continuous period of six months.
2. Attached Sign: A sign which is structurally connected to a building or depends upon that building for support
3. Auxiliary Design Elements: Terms which describe secondary characteristics of a sign, including its method of illumination and other features within the bounds of its basic shape.
4. Awning and Awning Sign: A temporary or movable shelter supported entirely from the exterior wall of a building and composed of non-rigid materials, except for a supporting framework. An awning sign is a message printed on such a shelter.
5. Banner: Material with a printed message or graphic secured or mounted from a structure in such a way as to allow wind movement.
6. Billboard: An outdoor advertising sign that displays products or services that are not typically available at the location of the sign site.
76. Building Marker: An historic or commemorative plaque, or a building name or cornerstone carved into a masonry surface.
87. Business Center Identification Sign: A sign which identifies a building or group of commercial buildings in single ownership or control, sharing parking and access.
98. Canopy: A projecting non-movable structure cantilevered or suspended from a building, supported by the main structural members to which it is attached, and used only as a roof or fixed shelter.
109. Canopy Sign: A sign which is attached or made an integral part of a canopy.
110. Clearance: The distance from the bottom of a sign face elevated above grade and the grade below.

## SIGN REGULATIONS

124. Detached Sign: A sign which is self-supporting and structurally independent from any building.
132. Directional Sign: A sign which serves only to designate the location or direction of any area or place.
143. Double-Faced Sign: A sign consisting of no more than two parallel faces supported by a single structure.
154. Electronic Information Sign: Any sign intended primarily to provide information of general community interest, including time, temperature, and other atmospheric conditions, date, news, traffic control, or commercial messages.
165. Frontage: The length of a property line of any one premises abutting and parallel to a public street, private way, or court.
176. Ground Sign: A detached sign built on a freestanding frame, mast, or pole(s) with a clearance no greater than 3 feet.
187. Illumination: Lighting sources installed for the primary purpose of lighting a specific sign or group of signs. Illumination techniques referred to by these Regulations include:
- (a) Bare Bulb: Illumination of signs using unshielded bulbs.
  - (b) Direct Illumination: Illumination of signs through flood lights whose luminous surface is visible to the normally located observer.
  - (c) Flame: Use of open flame or torches as a light source.
  - (d) Flashing: Use of an intermittent light source, including the illusion of intermittence through animation or other external light sources. Electronic information signs are excluded from this definition, except for any flashing mode of these signs.
  - (e) Indirect: Use of a light source whose luminous surface is not visible to the normally located observer.
  - (f) Internal: Use of a light source concealed or contained within the sign, and visible by shining through a translucent surface.
  - (g) Neon or gas tube: Use of a light source supplied by passing electricity through a tube containing neon or other gas, bent to form letters, symbols, and other shapes.
198. Marquee: A permanent roofed structure attached to and supported by a building and extending over public right-of-way.
2019. Maximum Permitted Sign Area: The maximum permitted combined area of all signs allowed on a specific property.
219. Monument Sign: An on-premise freestanding sign with the appearance of a solid base. The width of such base shall be at least 75 percent of the width of the sign.
221. Moving Sign: A sign which conveys its message through rotating, changing, or animated elements.

## SIGN REGULATIONS

232. Nonconforming Sign: A sign that was legally erected prior to the adoption of this chapter but which violates the regulations of this chapter.
243. Off-Premise Sign: A sign which directs attention to a business, profession, commodity, or service offered on a property other than that on which the sign is located.
254. Pole Sign: A sign built on a freestanding frame, mast, or pole(s) with a clearance greater than 3 feet, and where the support encompasses less than 75% of the width of the sign.
265. Portable Sign: Any sign supported by frames or posts rigidly attached to bases not permanently attached to the ground or a building and capable of being moved from place to place.
276. Premise Identification Sign: An sign which pertains to the use of a premises and which contains information about the owner or operator of that use; the type of business being conducted or the principal band name of a commodity sold on the premises; and other information relative to the conduct of the use.
287. Premises: A tract of one or more lots or sites which are contiguous and under common ownership or control.
298. Projecting Signs: A sign other than a wall sign that is attached to and projects from a building face.
3029. Residential Sign: A small detached or attached sign located on a residential premise, conveying a message communicated by the owner of the property.
310. Roof Sign: Any sign or part of sign erected upon, against, or directly above a roof or on top of or above the parapet or cornice of a building.
- (a) Integral Roof Sign: A roof sign positioned between an eave line and the peak or highest point on a roof, substantially parallel to the face of a building.
- (b) Above-peak Roof Sign: A roof sign positioned above the peak of a roof or above a parapet or cornice.
321. Sign: A symbolic, visual device fixed upon a building, vehicle, structure, or parcel of land which is intended to convey information about a product, business, activity, place, person, institution, candidate, or political idea.
332. Sign Type: A functional description of the use of an individual sign. Includes owner identification, advertising, directional, electronic message, and temporary.
343. Street Facade: Any separate external face of a building, including parapet walls and omitted wall lines, oriented to and facing a public street, private way, or court. Separate faces oriented in the same direction or within 45 degrees of one another are considered part of the same street facade.
354. Temporary Signs: A sign, flag, banner, pennant, or valance constructed of light weight materials which is not permanently attached to building or land, and which is intended for display for a limited period of time.
365. Wall Sign: A sign attached to and parallel with the side of a building.
376. Window Sign: A sign painted on or installed inside a window for the purpose of viewing from outside the premises.

## SIGN REGULATIONS

387. Zone Lot: A parcel of land in single ownership that is large enough to meet the minimum zoning requirements of its zoning district and can provide such yards and other open spaces that are required by the site development regulations.

## SIGN REGULATIONS

### 11.1003 General Sign and Street Graphics Regulations (Amended by Ord. 22-03; 5-24-22)

#### a. Compliance

Each sign or part of a sign erected within the zoning jurisdiction of the City of Waverly must comply with the provisions of this chapter and of other relevant provisions of the City of Waverly's Municipal Code; and relevant building codes including the:

International Building Code.  
International Plumbing Code.  
National Electrical Code.  
Rules and Regulations Relating to the Control of Advertising in Areas Adjacent to the Interstate and Federal Aid Primary Highways (Nebraska Department of Transportation)

#### b. Resolution of Conflicting Regulations

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

#### c. Prohibited Signs

The following signs are prohibited in all zoning districts.

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

## SIGN REGULATIONS

### d. Exempt Signs

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

1. Bulletin boards for religious assembly or school uses, provided that they have a maximum sign area of 32 square feet and are not located in a required sign setback.
2. Real estate signs.
3. Official signs authorized by a government or governmental subdivision which give traffic, directional, or warning information.
4. Seasonal decorations for display on private or public property.
5. On-premise construction signs.
6. One temporary sign per zoned lot for grand openings or special events, provided that such sign remains in place for a maximum of seven days.
7. Works of graphic art painted or applied to building walls which contain no advertising or business identification messages.
8. Residential signs under 2 square feet in size.
9. Neighborhood or subdivision identification signs under 50 square feet.
10. Street numbers.
11. Signs 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.

### e. Temporary and Civic Signs

1. Temporary or portable signs for grand openings, sales, and special events are permitted in Commercial and Industrial zoning districts, subject to the following requirements:
  - (a) Such signs are subject to the permit procedures set forth in this section.
  - (b) The size of such signs does not exceed the limitations set forth in Table 10-3.
  - (c) No more than one such sign is permitted at any single premises.
  - (d) Temporary or portable signs may be present at any single premises for a maximum of 30 days per year.
2. 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:
  - (a) Such signs are subject to the permit procedures set forth in this section.
  - (b) 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.

## SIGN REGULATIONS

(c) The maximum size of such signs is 10 square feet when located in any residential and LC Limited Commercial zoning district; and 100 square feet in any other zoning district.

f. Bufferyards

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

g. Vision-Clearance Area

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

### 11.1004 General Regulations: Basic Design Elements For On-premise Signs

a. Wall Signs and Graphics

Wall signs and graphics are subject to the following general regulations.

1. A wall sign shall not extend more than 30 inches from the wall to which it is attached.
2. A wall sign must be parallel to the wall to which it is attached.
3. 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.
4. A wall sign may not extend beyond its building's roof line.
5. 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.
6. For the purpose of calculating permitted sign areas pursuant to this chapter, signs painted on the walls of buildings shall be considered wall signs.
7. Where permitted, canopy signs are counted as wall signs when calculating total permitted sign area.

b. Projecting Signs and Graphics

Projecting signs and graphics are subject to the following general regulations.

1. The maximum projection of any projecting sign in the DC District shall be as follows:
  - (a) 2 feet over public sidewalks less than 12 feet wide;
  - (b) 3 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.

## SIGN REGULATIONS

2. A projecting sign may be no closer than two feet from the vertical plane of the inside curb line.
3. Each projecting sign must maintain at least the following vertical clearances:
  - (a) 8 feet, 6 inches over sidewalks; except that a canopy may reduce its vertical clearance to 7 feet, 6 inches;
  - (b) 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;
  - (c) 14 feet over parking lots;
  - (d) 18 feet over alleys or driveways.
4. 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.
5. Projecting signs must minimize visible support structure and may not expose guy wires, cables, turnbuckles, angle iron, or other similar external support structure.

### c. Pole Signs

Pole signs, where permitted, are subject to the following general regulations:

1. Each pole sign must maintain at least the following vertical clearances:
  - (a) 8 feet, 6 inches over sidewalks;
  - (b) 10 feet for locations outside of parking areas or driveways, but within three feet of the edge of such areas; or within 50 feet of the right-of-way lines formed by a street intersection.
  - (c) 14 feet over parking lots;
  - (d) 18 feet over alleys or driveways.
2. Permitted pole signs may revolve at a rate not to exceed six revolutions per minute.

### d. Roof Signs

Roof signs are subject to the following regulations:

1. Where permitted, integral roof signs may be used interchangeably with wall signs.
2. Integral roof signs may not exceed the permitted height for pole signs.
3. An integral roof sign must be mounted parallel to the wall of the building that it faces.

### e. Billboards

Billboards, where permitted, are subject to the following regulations:

1. A Special Use Permit shall be required to erect a Billboard

## SIGN REGULATIONS

2. Billboards shall only be permitted in the Interstate Corridor Overlay District and located within three-hundred feet (300') of the interstate right-of-way.
3. The sign face of a billboard shall not be greater than fourteen feet (14') in vertical dimension or greater forty eight feet (48') in horizontal dimension and the maximum sign face area shall not exceed six hundred seventy-two (672) square feet.
4. A maximum of two (2) signs back to back shall be permitted per sign billboard structure.
5. Billboards adjacent to the interstate or federal highway must comply with all state and federal advertising regulations (see 11.1003).

### 11.1005 General Regulations: Other Design Elements

#### a. Illumination

1. 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.

#### b. Marquees and Marquee Signs

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

#### c. Banners

1. A banner sign projecting from a building may not exceed the wall height of the building.
2. Maximum projection for any banner is five feet with a minimum clearance of ten feet.
3. Maximum size of a banner is the lesser of twice the permitted size of a projecting sign or 120 square feet.

#### d. Clocks

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

### 11.1006 Specific Regulations ~~For~~ Zoning Districts

This Section sets forth regulations and design standards for signs and graphics for each zoning district.

### 11.1007 Method of Measurement for Regulators

#### a. 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.

#### b. Sign Area

## SIGN REGULATIONS

1. 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.
2. The area of double-faced signs is calculated on the largest face only.
3. 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.
4. In the case of individual letters mounted to a wall, only the total area of the letters themselves is included within the sign area.

c. 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.

d. Setback

The setback of a sign is measured from the property line to the supporting frame, mast, pole or base of the sign.

### 11.1008 Permitted Sign Types by Zoning Districts

Table 10- 1 sets forth the sign types permitted within each zoning district of the City of Waverly.

### 11.1009 Auxiliary Design Elements

Table 10-2 sets forth auxiliary design elements permitted within each zoning district of the City of Waverly.

### 11.1010 Maximum Permitted Sign Area

Table 10-3 sets forth the maximum sign area permitted within each zoning district of the City of Waverly.

### 11.1011 Permitted Signs by Numbers, Dimensions, and Location

Table 10-3 sets forth the maximum permitted numbers of signs per premise; the maximum permitted dimensions of each sign; and the required setbacks for detached signs.

### 11.1012 General Permit Procedures

a. Applicability

Any installation, modification, or expansion of any sign which is not exempt from the provisions of this Article shall be subject to the following permit procedure prior to installation.

b. Maintenance of Valid Sign Permit

The owner of a property containing signs requiring a permit under these regulations shall at all times maintain in force a sign permit for such property. Sign permits shall be issued for individual zoned lots. A sign permit may be revoked if the sign is not maintained in good condition.

c. Sign Permit Applications

## SIGN REGULATIONS

All applications for sign permits shall be submitted to the Zoning Administrator in accordance with application specifications established by the Zoning Administrator.

d. 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.

e. Action

Within ten working days of the submission of a complete application for a sign permit, the Zoning Administrator shall either:

1. Issue the sign permit, if the sign conforms to the provisions of this Article.
2. Reject the sign permit if the sign(s) that is the subject of the application fails in any way to conform with the requirements of this Article.

f. 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.

g. 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.

### 11.1013 Nonconforming Signs

- a. All permanent signs in place and lawfully established on the effective date of these Regulations 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.
- b. 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.
- c. For business centers pre-existing on the effective date of these Regulations which do not conform to the total permitted sign area provisions of this Article, individual signs may be replaced, modified, or substituted prior to fifteen years from the effective date of this Ordinance. Each sign shall conform to the applicable regulations for individual signs and shall be installed so as to reduce the total amount of the nonconformance.

### 11.1014 Discontinuance of Nonconforming Signs

Within any zoning district, all on-premise signage must comply fully with the provisions of these Regulations, unless otherwise provided, within fifteen years of the effective date of these Regulations.

SIGN REGULATIONS

Table 10-1: Permitted Signs by Type and Zoning Districts

Sign Types	AG	RR	R-1	R-2 R-3	R-4	MH	MX	LC	CC	DC	GC	BP	LI	GI
<b>Detached Signs</b>														
Residential	P	P	P	P	P	P	P	P	P	N	N	N	N	N
Billboard	S	N	N	N	N	N	N	N	N	N	N	N	S	S
Business Identification	P	P	P (C)	P	P	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	P
Ground	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Pole	N	N	N	N	N	N	N	N	P	N	P	N	N	N
<b>Attached Signs</b>														
Awning	N	N	N	P	P	P	P	P	P	P	P	P	P	P
Banner	N	N	N	N	N	N	P	P	P	P	P	P	P	P
Building Marker	P	P	P	P	P	P	P	P	P	P	P	P	P	
Canopy	N	N	N	N	N	P	P	P	P	P	P	P	P	P
Business Identification	P	P (C)	P (C)	P	P	P	P	P	P	P	P	P	P	P
Incidental	P (C)	P (C)	P (C)	P	P	P	P	P	P	P	P	P	P	P
Marquee	N	N	N	N	N	P	P	P	P	P	P	N	P	P
Projecting	P	N	N	N	N	N	P	N	P	P	P	N	N	N
Roof, Integral	N	N	N	N	N	N	N	N	P	P	P	P	P	P
Roof, Above Peak	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Wall	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Window	N	N	N	N	N	N	P	P	P	P	P	P	P	P
<b>Miscellaneous</b>														
Flag	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Portable (On-Premise)	N	N	N	N	N	N	N	N	N	N	N	N	N	N

Commented [TL1]: Need to add "S" to legend below tables if this is for "Special Permit" requirement. Looks like this page and the next one.

P: Permitted for All Uses      S: Special-Use Permit Required  
 P(C): Permitted for Civic Uses      N: Not Permitted

**SIGN REGULATIONS**

Table 10-2 Permitted Signs by Type and Zoning Districts

Sign Types	AG	RR	R-1	R-2 R-3	R-4	MH	MX	LC	CC	DC	GC	BP	LI	GI
<b>Design Element</b>														
<b>Illumination</b>														
Indirect	P (C)	P (C)	P (C)	P (C)	P (C)	P	P	P	P	P	P	P	P	P
Direct	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Internal	P (C)	P (C)	P (C)	P	P (C)	P	P	P	P	P	P	P	P	P
Neon	N	N	N	N	N	N	N	N	P	P	P	N	P	P
Flashing	N	N	N	N	N	N	N	N	P	P	P	N	P	P
Flame	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Bare Bulb	N	N	N	N	N	N	N	N	N	N	N	N	N	N
<b>Other</b>														
Electronic Information	N	N	N	N	N	N	P	P	P	P	P	P	P	P
Moving	N	N	N	N	N	N	N	N	N	N	P	N	N	P
Rotating	N	N	N	N	N	N	N	N	N	N	P	N	N	P

P: Permitted for All Uses      S: Special-Use Permit Required

P(C): Permitted for Civic Uses      N: Not Permitted

P: Permitted for All Uses      P(C): Permitted for Civic Uses      N: Not Permitted

**SIGN REGULATIONS**

<b>TABLE 10-3: MAXIMUM PERMITTED SIGN AREA FOR ZONE LOT BY ZONING DISTRICT</b>									
<i>The 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:</i>									
<b>Zoning District</b>	<b>AG</b>	<b>RR R-1 R-2</b>	<b>R-3 R-4 MH</b>	<b>MX LC</b>	<b>CC</b>	<b>DC</b>	<b>GC</b>	<b>BP</b>	<b>LI GI</b>
<b>Square Feet of Signage per Linear Foot of Frontage</b>	N/A	N/A	N/A	.50	1.0	1.0	2.0	1.0	2.0
<b>Maximum Total Square Feet</b>	Note 1 <a href="#">Note 6</a>	Note 2	Note 3	Note 4	200 Note 4	200	300 Note 5	300 Note 5	400 Note 5 Note 6

**Table 10-3** (Amended by Ord. 07-13; 11-5-07)

**Note 1:**

200 square feet for civic or commercial uses, 2 square feet for residential uses.

**Note 2:**

Maximum sign size is 100 square feet for project identification signs; 32 square feet for civic uses, 2 square feet for residential uses.

**Note 3:**

Maximum sign size is 32 square feet for civic uses, 100 square feet for project identification signs for multi-family or mobile home developments and for non-residential uses when permitted, 2 square feet for residential uses, including home occupations.

**Note 4:**

On premises with primary residential use, maximum sign size is 75 square feet for project identification signs for multi-family developments, 2 square feet for residential uses, including home occupations.

**Note 5:**

One Business Center Identification Sign with a maximum area of 150 square feet is permitted subject to the regulations set forth by Table 10-3.

**Note 6:**

One ~~detached sign~~**Billboard** for civic or commercial use, with a maximum area of 672 square feet (14' Height x 48' Width), is located in the Interstate Corridor Overlay District, and is within 300 feet to the Interstate, may be permitted by Special Use Permit.

## SIGN REGULATIONS

<b>TABLE 10-4: PERMITTED SIGNS BY NUMBERS, DIMENSIONS, AND LOCATION</b> <i>Each individual sign shall comply with the regulations for maximum quantity, maximum size, minimum setbacks, and height limits shown in this table:</i>									
Zoning District	AG	RR R-1 R-2	R-3 R-4 MH	MX LC	CC	DC	GC (Note 1)	BP (Note 1)	LI GI (Note 1)
<b>DETACHED SIGNS</b>									
<b>Number Permitted Per Premise</b>	1	1	1	1	N/A	1	N/A	NA	N/A
Per Feet of Frontage	N/A	N/A	N/A	N/A	1 Per 300	N/A	1 Per 200	1 Per 300	1 per 200
<b>Maximum Size*</b> (Sq. feet)	100*	100*	100*	75*	100*	100	150	150	200
<b>Maximum Height</b> (feet)	45	10	10	15	25	25	35	15	35
<b>Front Yard Setback</b> (feet)	25	5	10	10	10	0	5	10	0
<b>Side Yard Setback</b> (feet)	10	10	10	10	5	0	5	5	0
<b>ATTACHED SIGNS</b>									
<b>Maximum Size*</b> (Sq. feet)	100	32*	32*	75	100	100	150	150	200
<b>% of Street Facade</b>	N/A	N/A	N/A	20%	20%	20%	25%	25%	25%

\* For those uses only permitted a sufficient maximum sign area in Table 10-2.

**Table 10-4** (Amended by Ord. 07-13; 11-5-07)

**Note 1:** In addition to its total permitted sign area, each premises used for a business center may have one detached center identification sign, subject to the following conditions:

1. The maximum area for a center identification sign shall be 150 square feet.
2. No 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. The sign shall display no more than the name and location of the business center.
4. Each sign shall be subject to all other regulations for detached signs or graphics set forth in this Article.